

California Environmental Protection Agency
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
1001 I Street, P.O. Box 4025 Sacramento, CA 95812

Margo Reid Brown, Chair
Jeffrey Danzinger, Member
Rosalie Mulé, Member
Cheryl Peace, Member
Gary Petersen, Member
Pat Wiggins, Member

Board Meeting

Tuesday, March 14, 2006 9:30 am

**Joe Serna Jr., CalEPA Building
Byron Sher Auditorium
1001 I Street, 2nd Floor
Sacramento, CA 95814**

AGENDA:

This agenda was revised on March 2, 2006 to reflect the addition of Agenda Item Number 18 pursuant to Government Code Section 11125.3

- I. CALL TO ORDER**
- II. ROLL CALL AND DECLARATION OF QUORUM**
- III. OPENING REMARKS**
- IV. REPORTS AND PRESENTATIONS**
- V. PUBLIC COMMENT**
- VI. CONSENT AGENDA**
- VII. CONTINUED BUSINESS AGENDA ITEMS**

- 1. Consideration Of Application To Renew The Santa Barbara County Zone Designation -- (Committee Item F)

VIII. NEW BUSINESS AGENDA ITEMS

Permitting And Enforcement

2. Consideration Of Approval Of A Contractor For The Engineering Services Contract For Landfill And Disposal Site Remediation Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08) -- (Committee Item B)
3. Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Northern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08) -- (Committee Item C)
4. Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Southern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08) -- (Committee Item D)
5. Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program (Farm and Ranch Cleanup Account, FY 2005/06) -- (Committee Item E)
6. Discussion of Local Enforcement Agency Evaluations -- (Committee Item F)

Special Waste

7. Consideration Of Scope Of Work And Contractor For The 2007 Used Oil Recycling/Household Hazardous Waste Conference (Used Oil Recycling Fund, FY 2005/06) -- (Committee Item B)
8. Consideration Of The Issuance Of A Major Waste Tire Facility Permit To Tri-C Tire Recycling, Inc., Sacramento County -- (Committee Item C)
9. Consideration Of Adoption Of Comprehensive Trip Log Regulations For Waste Tire Hauler Manifesting Requirements For Retreaders, Used And Waste Tire Haulers, Generators, And End-Use Facilities -- (Committee Item D)
10. Consideration Of Awards For The Targeted Rubberized Asphalt Concrete Incentive Grant Program (Tire Recycling Management Fund, FY 2005/06) -- (Committee Item E)

11. Report On The Status Of And Request For Direction For The Remediation Of The Sonoma County Waste Tire Sites -- (Committee Item G)
12. Consideration Of Award For Waste Tire Enforcement Grant To The California District Attorneys Association Circuit Prosecutor Project (Tire Recycling Management Fund, FY 2005/06) -- (Committee Item F)

Sustainability And Market Development

13. Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area Of San Diego County -- (Committee Item B)
14. Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Fresno -- (Committee Item C)
15. ~~Consideration Of The Recycling Market Development Revolving Loan Program Application For eCullet Inc. (Recycling Market Development Account, FY 2005/06) -- (Committee Item E)~~ HAS BEEN PULLED
16. Consideration Of Application To Redesignate The Northeastern California Recycling Market Development Zone -- (Committee Item G)
17. Consideration Of Whether To Initiate A Recycling Market Development Zone Designation Cycle For 2006 -- (Committee Item H)

Other

18. Consideration Of Allocation Proposals To Be Funded From The Integrated Waste Management Account For Fiscal Year 2005/06

IX. BOARD MEMBERS COMMENT

X. ADJOURNMENT

NOTES:

- *Agenda items may be taken out of order.*
- *The official California Integrated Waste Management Board agendas are available via the Internet at: www.ciwmb.ca.gov/agendas/*
- *This agenda notice does not include a specific ending time for the Board meeting. The meeting shall end when all of the noticed items and other business have been dealt with. For meetings noticed for two days, the meeting may end on the first day noticed if all business is concluded on that day*
- *Persons interested in addressing the Board on any agenda item must fill out a speaker request form and present it to the Board Secretary prior to Board consideration of the item. The Board may limit the time for individual public testimony.*

- *If written comments are submitted, 15 two-sided copies must be provided in advance of the Board meeting with the following information on the first page of the document: date, addressee, Board meeting, agenda item number, and name of person submitting the document.*
- *Any information mailed with this agenda is disseminated as a public service only, and is intended to reduce the volume and costs of separate mailings. This information does not necessarily reflect the opinions, views, or policies of the Board.*
- *To request special accommodations for those persons with disabilities, or to verify if an item will be heard, or to obtain copies of the agenda items, please contact the Board's Administrative Assistant at (916) 341-6550 or brdmeet@ciwmb.ca.gov.*

Notice: The Board may hold a closed session to discuss the following: confidential tax returns, trade secrets, or other confidential or proprietary information of which public disclosure is prohibited by law; the appointment or employment of a public employee; or litigation under authority of Government Code Sections 11126 (a)(1), (c)(3), (15), and (e), respectively.

Important Notice: Items may be placed on the consent agenda. The Board will approve these items all at once without discussion. Therefore, if a Board Member or a member of the public wishes to speak to an item on the consent calendar, they must make their request that the item be removed from the consent agenda before the Board considers it.

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 1

(Continued from February 14, 2006 meeting, Agenda Item 14)

ITEM

Consideration Of The Application To Renew The Santa Barbara Regional Recycling Market Development Zone Designation

I. ISSUE/PROBLEM STATEMENT

The Recycling Market Development Zone (RMDZ) program advances the development of local markets for recovered materials. The RMDZ program is a partnership between the California Integrated Waste Management Board (Board) and local governments. This program was created over 10 years ago to assist local governments develop local and regional markets for recyclable materials that are being diverted from California landfills. Local governments provide a variety of business incentives and the Board provides an attractive loan program and a myriad of technical business assistance to support local recycling-based manufacturers.

As outlined in Public Resources Code Section 42011, RMDZs are designated by the Board for a term of 10 years. At least 60 days prior to the end of a 10-year term, the Zone Administrator (ZA) or other delegated persons may reapply to the Board for another 10-year designation term (California Code of Regulations (CCR), Title 14, Section 17914). The Santa Barbara Regional ZA has submitted an application to the Board to redesignate it as an RMDZ in order for it and its associated businesses to continue receiving Board RMDZ services.

This agenda item includes a brief profile of the Santa Barbara Regional RMDZ and a discussion of how the redesignation will realize both economic and environmental benefits with another 10-year zone designation term.

II. ITEM HISTORY

In January 1996, the Board approved the original 10-year designation for the Santa Barbara Regional RMDZ.

III. OPTIONS FOR THE BOARD

Option 1: Approve the request to renew the Santa Barbara Regional RMDZ for another 10-year term.

Option 2: Deny the request to renew the Santa Barbara Regional RMDZ for another 10-year term.

Option 3: Grant a conditional redesignation to the zone, with conditions of approval as specified by the Board.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option 1 and adopt Resolution Number 2006-37. The decision to renew the Santa Barbara Regional RMDZ for another 10-year term will allow recycled content product (RCP) manufacturers and other qualified

businesses to continue receiving the technical business support and financial services provided by the Board's RMDZ program.

V. ANALYSIS

A. Key Issues and Findings

- The zone renewal directly supports the implementation of these Board Action Plans:
 - Market Development Action Plan: Renewal of this RMDZ implements the Board's 2005 Market Assessment Action Plan by providing opportunities for the creation and expansion of businesses that use recycled material. It expands the market demand for plastic, paper, C&D and organic materials, thereby increasing local diversion and helping to develop a sustainable domestic market for these priority materials.
 - Green Procurement Action Plan: Renewal of this RMDZ implements the Board's 2005 Green Procurement Action Plan by expanding the local demand for priority materials, thereby increasing diversion and the availability of environmentally preferable products to the public and private sectors.
- Board staff has fully reviewed the redesignation application submitted by Santa Barbara Regional RMDZ and found the application package to be complete pursuant to 14 CCR Section 17914. Board staff also conducted a Technical Review of the application package and evaluated Santa Barbara Regional RMDZ's Market Development Plan for its technical adequacy and ability to succeed pursuant to 14 CCR Section 17914.5. The Technical Review found that the application and Market Development Plan were complete and adequate.
- The Santa Barbara Regional RMDZ includes all of the unincorporated areas of the County and the incorporated cities of Santa Barbara, Lompoc and Santa Maria. Santa Barbara County as a whole encompasses 3,789 square miles.
- The RMDZ is administered by the Santa Barbara County Public Works Department, Resource Recovery and Waste Management Division, with close collaboration from each of the member jurisdictions. Participating jurisdictions will form a Market Development Zone Advisory Board to facilitate RMDZ communication and cooperation. Members of the Advisory Board represent staff from solid waste, community development or economic development entities within the jurisdictions.
- Based on the 2004 Annual RMDZ Report, 10 zone businesses have been involved with the program thus far. Those businesses have diverted approximately 372,400 tons of materials from the region's landfills in 2004, and employed over 295 people.
- This RMDZ has not yet provided any of its businesses with an RMDZ loan, but hopes to achieve that in the future.
- In support of the Board's "zero waste" efforts, Santa Barbara offers the following programs:
 - The County has a mandatory commercial recycling program, encompassing businesses and multi-family complexes; this program has achieved a 99% compliance rate.

- The County also has an electronics waste recycling program that accepts all types of e-waste.
 - The County anticipates implementing its mandatory construction and demolition recycling program in 2006.
- The County of Santa Barbara has worked hard to achieve its current approved diversion rate of 62%. Participating in the RMDZ program is an important part of the County's efforts to further increase their diversion from local landfills. Residents and businesses can continue to be educated in waste reduction methods and develop additional markets for the region's discarded raw and post-consumer material. These activities not only have a positive environmental impact on the communities involved, but also result in positive economic growth for the region.

B. Environmental Issues

Zone renewals require evidence of compliance with the California Environmental Quality Act (CEQA). Santa Barbara County was designated as the Lead Agency for CEQA compliance and prepared an Initial Study and issued a Negative Declaration. The CEQA review concluded that the Santa Barbara Regional RMDZ redesignation will not result in any significant effects on the environment. A Notice of Determination was filed with the State Clearinghouse on November 8, 2005.

C. Program/Long Term Impacts

In general, renewal of this RMDZ will increase the opportunities for other Board programs, such as the Waste Tire Program, to assist local recycling-based manufacturers. Due to continuous outreach efforts, the Board's RMDZ staff is often the first point of contact for manufacturers and can therefore educate them about various Board programs, opportunities and objectives.

The Santa Barbara Regional RMDZ Market Development Plan identified the following objectives:

- Support the development of reuse and recycling-based businesses that utilize various plastics, including polyethylene terephthalate (PETE), high density polyethylene (HDPE), low density polyethylene (LDPE, including agricultural film), polypropylene (PP), and mixed paper, glass and compostable materials.
- Incorporate all RMDZ materials and activities with all appropriate regional economic development efforts.
- Coordinate the efforts of economic development organizations, financial institutions and permitting agencies to support the growth of recycling-based manufacturers.
- Retain and support all existing recycling-based manufacturers in the zone.

D. Stakeholder Impacts

Key stakeholders at the local level are the recycling-based manufacturers and processors and the municipal governments of Santa Barbara County. Renewing the Santa Barbara Regional RMDZ designation will assist existing recycling-based companies in expanding their businesses, resulting in additional diversion through technical, business, and financial assistance from the RMDZ program.

E. Fiscal Impacts

Board approval of the Santa Barbara Regional RMDZ renewal application will not significantly impact the Integrated Waste Management Account and only presents the potential for increasing demand on the Recycling Market Development Revolving Loan Subaccount. However, based on past demand, Board staff does not expect that this increased demand will present a significant impact.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this agenda item.

G. Environmental Justice

An RMDZ renewal application requires resolutions from each participating jurisdiction. Jurisdictions in the Santa Barbara Regional RMDZ addressed their commitment to ensuring environmental justice in their resolutions or using a separate document, indicating that they would administer or help administer the RMDZ program “in a manner that seeks to ensure the fair treatment of people of all races, cultures and incomes, including but not limited to soliciting public participation in all communities within the RMDZ.”

Staff is unaware of any environmental justice issues specific to the proposed zone renewal. There may be subsequent impacts from specific projects assisted by the RMDZ, which would undergo their own separate environmental review process.

H. 2001 Strategic Plan

Refer to top of page 2 (Board Action Plans)

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Letter from the Santa Barbara Regional Zone Administrator requesting RMDZ redesignation.
2. Resolution Number 2006-37

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Dassi Pinter

Phone: (661) 297-4077

B. Legal Staff: Harllee Branch

Phone: (916) 341-6056

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff has not received any letters of support at the time this item was submitted for publication.

B. Opposition

Staff has not received any written opposition at the time this item was submitted for publication.

**COUNTY OF SANTA BARBARA
PUBLIC WORKS DEPARTMENT**

123 East Anapamu Street
Santa Barbara, California 93101
805\568-3000 FAX 805\568-3019



PHILLIP M. DEMERY
Director

January 12, 2006

Dassi Pinar, Recycling Business Development Specialist
California Integrated Waste Management Board
Recycling Business Development Assistance Branch, MS-11
P.O. Box 4025
Sacramento, CA 95812-4025

RE: SUBMITTAL OF APPLICATION FOR RENEWAL OF SANTA BARBARA
REGIONAL RECYCLING MARKET DEVELOPMENT ZONE

Dear Ms. Pinar:

The County of Santa Barbara, in conjunction with the Cities of Lompoc, Santa Barbara, and Santa Maria, respectfully requests that the California Integrated Waste Management Board (CIWMB) renew the designation of the Santa Barbara Regional Recycling Market Development Zone (RMDZ). Enclosed is the application for renewal that contains all of the required components.

Presently, the Santa Barbara Regional Recycling Market Development Zone (Zone) includes the County of Santa Barbara and the Cities of Carpinteria, Lompoc, Santa Barbara, and Santa Maria. Upon renewal of the Zone's designation, the participating jurisdictions will remain the same, except for the City of Carpinteria, which has withdrawn its participation from the Zone. Please note that the Public Works Director of the City of Carpinteria has refused to have his City Council adopt a resolution confirming the City's withdrawal from the RMDZ program. As a result, I have sent him a letter, confirming the City's withdrawal from the program. I previously sent you a copy of this letter.

Thank you very much for the guidance and support that you provided as I prepared this application. If you have any questions, please contact me at (805) 882-3616.

Sincerely,

ALAN NAKASHIMA, Program Specialist
Resource Recovery and Waste Management Division

AN: covltr
Project No. 195011

AA/EEO Employer

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-37 (Revised)

Consideration Of The Application To Renew The Santa Barbara Regional Recycling Market Development Zone Designation

WHEREAS, California Public Resources Code Section 42010 establishes a Recycling Market Development Zone (RMDZ) Program to provide incentives to stimulate the development of markets for post-consumer and secondary materials; and

WHEREAS, an RMDZ may be designated by the Board for a term of 10 years; and

WHEREAS, at the end of a 10-year term, an RMDZ Zone Administrator may apply to the Board for redesignation of the RMDZ for another 10-year term; and

WHEREAS, the Santa Barbara Regional RMDZ was designated by the Board in January of 1996 and a timely RMDZ redesignation application was submitted to the Board before its expiration in January, 2006; and

WHEREAS, the Board finds after a Technical Review of the Santa Barbara Regional RMDZ redesignation application, Market Development Plan, and associated materials that the application package is adequate and complete pursuant to 14 CCR Section 17914 and 17914.5; and

WHEREAS, the incorporated cities of Lompoc, Santa Barbara, and Santa Maria ~~and Goleta~~ as well as the unincorporated County still desire to participate in the RMDZ program for their recycling-based businesses and waste management program; and

WHEREAS, Santa Barbara County made a finding that its current and proposed waste management practices and conditions are favorable to the development of markets for post-consumer and secondary waste materials; and

WHEREAS, Santa Barbara County, as Lead Agency under the California Environmental Quality Act (CEQA), issued a Negative Declaration on November 2, 2005 finding that the RMDZ redesignation will not have a significant impact on the environment; and

WHEREAS, the Board acted as a Responsible Agency during the CEQA process and concurs with the findings in Santa Barbara County's Negative Declaration; and

(over)

WHEREAS, the Board finds that renewal of the Santa Barbara Regional RMDZ will contribute to the creation of a more sustainable regional economy by stimulating additional markets for recyclables, increasing diversion of post-consumer and secondary waste materials, and increasing jobs and revenues in local communities.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby redesignates the Santa Barbara Regional RMDZ for a term of 10 years commencing January 25, 2006 as authorized by California Code of Regulations, Title 14, Section 17914.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 2

ITEM

Consideration Of Approval Of A Contractor For The Engineering Services Contract For Landfill And Disposal Site Remediation Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08)

I. ISSUE/PROBLEM STATEMENT

This item requests the California Integrated Waste Management Board (Board) to consider and approve a contractor for the engineering services contract for landfill and disposal site remediations under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program). Contracts for engineering services have been used to support the Board-managed portion of the Program since its inception in 1994. This contract would be for a “not to exceed” amount of two million dollars (\$2,000,000) with initial funding proposed at five hundred thousand dollars (\$500,000) from funds in the Solid Waste Disposal Trust Fund (Trust Fund) previously appropriated for Fiscal Year (FY) 2005/06.

II. ITEM HISTORY

Prior to considering this item, the Board approved the Scope of Work, initial allocation of \$500,000, and contract “not-to-exceed” value of \$2,000,000 for the engineering services contract for landfill and disposal site remediations under the Solid Waste Disposal and Codisposal Site Cleanup Program at the September 2005 Board Meeting (Agenda Item 1, Resolution 2005-236).

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the proposed contractor with a five hundred thousand dollar (\$500,000) initial allocation;
2. Disapprove the proposed contractor.

IV. STAFF RECOMMENDATION

At the time this agenda item was prepared, the selection panel was still in the contractor selection process. The selection process will be completed prior to the Committee meeting(s) and staff will present the results and make a recommendation of the contractor at that time. If the Board chooses to approve the proposed contractor, staff is recommending that the initial funding allocation be five hundred thousand dollars (\$500,000).

V. ANALYSIS

A. Key Issues and Findings

Public Resources Code (PRC) Section 48020(b) requires the Board to initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation and where the cleanup is needed to protect public health and safety or the environment. The Legislature annually

appropriates funding for purposes of implementing the Program and the Board is authorized both to expend funds directly from the Solid Waste Cleanup Trust Fund for cleanup and to provide grants and loans [PRC Section 48021(b)].

Assembly Bill (AB) 992 (Chapter 496, Statutes of 1999) modified the existing law governing the program by eliminating some monetary limitations and expanding parties eligible for some funding. Specifically, the bill modified the amount for administration of the AB 2136 Program and removed the annual spending cap of \$5 million per fiscal year from the trust fund. These modifications allow accumulated funds from cost sharing, cost recovery, and unspent annual balances to be used by the Board to approve projects beyond the previous spending cap.

When the Board directly expends funds, as opposed to providing grants, the projects are termed “Board-managed” remediations. These Board-managed disposal site remediations are currently accomplished through the use of two environmental services contractors and one engineering services contractor that perform a variety of tasks relating to cleanups. Because the specific work needed to be performed on future projects cannot be anticipated and timely remediations are the intent of the Program, these environmental contracts are awarded on a qualifications basis and work is paid for on a time and materials basis. This contracting process allows the Board to avoid the time-consuming contracting process for every Board-managed project and limits potential liability from change orders due to unforeseen or unanticipated conditions.

The AB 2136 Program is a significant component in implementing the Board’s mission to protect public health and safety and the environment by cleaning up many of the most egregious and intractable solid waste disposal site problems in the State. To date, the Board has approved approximately \$59,644,210 in funding to cleanup 590 sites under the Program, with an additional \$32,228,558 in funding leveraged from other parties through grant matches and other contributions, and \$4,654,436 collected through cost recovery. Approximately 60 percent of approved funding has been for Board-managed projects.

Engineering Services Contracts

The Program has utilized engineering services contractors to support the Program since its inception in 1994. The consultant may assist Board Staff in all phases of the site investigation and remediation. During construction, the consultant may be required to provide full-time construction management and/or construction quality assurance services. The following summarizes engineering services contracts under the Program to date:

Contract No.	Company	Expiration Date
IWM-C3060	CH2M Hill, Inc.	June 1995
IWM-C3051	CH2M Hill, Inc.	June 1998
IWM-C6053	Bryan A. Stirrat and Associates, Inc.	June 1999
IWM-C8042	Bryan A. Stirrat and Associates, Inc.	September 2002
IWM-C2001	Bryan A. Stirrat and Associates, Inc.	May 2006

The current engineering services contract (IWM-C2001) will expire in May 2006. The proposed contract would not be executed until approximately April 2006. This slight overlap in the two contracts will assure the Board of its ability to fund projects when warranted.

RFQ Process

The Board heard a discussion item regarding contract classifications and competitive bidding methods and processes at its meeting on September 19-20, 2000 (Agenda Item Number 1). This Request for Qualifications (RFQ) process was implemented in accordance with the Board's direction based on that item.

The statutorily authorized RFQ process for soliciting the professional services of architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms emphasizes qualifications over cost (Government Code Section 4525 et seq.; Public Contract Code Section 6106). In order to use the RFQ selection process, also known as the Architectural and Engineering Contract (A&E) method, an agency is required to develop regulations for implementation of the method. The Board's regulations specific to this process are in Title 14, California Code of Regulations, Sections 17020 through 17029.

The RFQ process seeks to determine the best-qualified firm for the proposed project. Selection of the contractor is based on the professional qualifications necessary to satisfactorily perform the services at a fair and reasonable price. The RFQ process used for this contract is in accordance with the established process, and consisted of the following:

1. The Contracts Office of the Administration and Finance Division (Contracts Office) advertised the RFQ via the Department of General Services' (DGS) website (DGS operates a subscription service whereby interested parties are notified when a notice of any RFQ or Request for Proposals is posted to the specific specialty area to which the party has subscribed); by posting the notice of the RFQ on the Board's website; in trade publications; and by direct notice to a list of contacts provided to the Contracts Office by Board staff.
2. The RFQ package was made available on the Board's website, or hard copies were available upon request from the Contracts Office.
3. All Statements of Qualification (SOQs) were required to be received at the Board's headquarters by the designated deadline to qualify for consideration.
4. The Contracts Office conducted a prequalification evaluation of all submitted SOQs.
5. Six SOQs were determined to be complete and were evaluated and ranked by a panel composed of three members of Board staff using the Scope of Work and selection criteria set forth in the RFQ.
6. A minimum of the top three ranked candidate companies are required to be interviewed. The top three ranked firms were interviewed for this RFQ. Interviews were conducted on February 9, 2006, and were approximately 1 hour

in duration and consisted of a 30-minute presentation by the firm, followed by 15 minutes for questions from the firm and the selection panel, and finally a 10-minute period for the firm to wrap-up the information they shared. Interviewees were evaluated, scored, and ranked utilizing the same selection criteria for the evaluation of the SOQs.

7. Interviewed companies were ranked and the top candidate will be selected to start the rate negotiation process. If the Board is unable to negotiate a fair and reasonable cost with the top-ranked firm, negotiations are terminated. Negotiations are then commenced with the second most qualified firm. If the Board is unable to negotiate a satisfactory contract with any of the selected firms, the Board can select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. Results of the interview rankings and negotiations will be presented at the Committee meeting(s).

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

The purpose of the solid waste engineering services contracts is to allow the Board to remediate threats to public health and safety or the environment at eligible sites in a timely manner. Selecting qualified consultants through a competitive process greatly enhances the ability of the Program to perform Board-managed remediations in implementing the Program.

D. Stakeholder Impacts

Based on available information, staff is not aware of any impacts to stakeholders related to this item.

E. Fiscal Impacts

The Board approved an initial allocation of \$500,000 and contract “not-to-exceed” value of \$2,000,000 for the engineering services contract at the September 2005 Board Meeting (Agenda Item 1, Resolution 2005-236).

Based on the current and previous solid waste engineering services contracts, the Program expends an average of \$400,000 per fiscal year for these services. Based on the proposed contract expiration date of May 2008, funding estimates per fiscal year are \$500,000 for fiscal year 2005/2006, \$300,000 for fiscal year 2006/2007, and \$400,000 for fiscal year 2007/2008, with a contract not-to-exceed amount of \$2,000,000 in case additional funding is required. Depending upon actual demand and/or need, funding per fiscal year may vary and need to be adjusted accordingly.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4, by directing Board resources to manage and mitigate the impacts of solid waste on public health and safety and the environment.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Solid Waste Disposal Trust Fund	\$6,612,021	\$500,000	\$6,112,021	Consulting & Professional Services

VII. ATTACHMENTS

1. Resolution 2006-41

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- A. Program Staff:** Wes Mindermann/Scott Walker **Phone:** (916) 341-6314
B. Legal Staff: Holly B. Armstrong **Phone:** (916) 341-6060
C. Administration Staff: T. Donohue/E. Brenneman **Phone:** (916) 341 6120/6178

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received specific support at the time this item was submitted for publication.

B. Opposition

Staff had not received specific opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-41 (Revised)

Consideration Of Approval Of A Contractor For The Engineering Services Contract For Landfill And Disposal Site Remediation Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08)

WHEREAS, Public Resources Code Sections 48020 et seq. authorizes the Board to implement the Solid Waste Disposal and Codisposal Site Cleanup Program to remediate environmental problems caused by solid waste and clean up disposal sites to protect public health and safety or the environment where the responsible parties cannot be identified or are unable or unwilling to pay for timely remediation; and

WHEREAS, Title 14, California Code of Regulations, Sections 17020 through 17029 set forth the Board-approved method for selection of a contractor pursuant to the Request for Qualifications competitive process; and

WHEREAS, the Board has approved guidelines, policies, and regulations for the Solid Waste Disposal and Codisposal Site Cleanup Program to clean up sites; and

WHEREAS, the Board approved the Scope of Work;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the award of an engineering services contract to SCS Engineers, in support of the activities of the Solid Waste Disposal and Codisposal Site Cleanup Program, with an allocation from the FY 2005/06 appropriation in the amount of five hundred thousand dollars (\$500,000).

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 3

ITEM

Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Northern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08)

I. ISSUE/PROBLEM STATEMENT

This item requests the California Integrated Waste Management Board (Board) to consider and approve a contractor for the environmental services contract for landfill and disposal site remediations in northern California under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program). Contracts for environmental services have been used to support the Board-managed portion of the Program since its inception in 1994. This contract would be for a “not to exceed” amount of five million dollars (\$5,000,000) with initial funding proposed at one million five hundred thousand dollars (\$1,500,000) from previously appropriated funds in the Solid Waste Disposal Trust Fund (Trust Fund).

II. ITEM HISTORY

Prior to considering this item, the Board approved the Scope of Work, initial allocation of \$1,500,000, and contract “not-to-exceed” value of \$5,000,000 for the environmental services contract for landfill and disposal site remediations under the Solid Waste Disposal and Codisposal Site Cleanup Program at the September 2005 Board Meeting (Agenda Item 2, Resolutions 2005-237 and 2005-263).

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the proposed contractor with a one million five hundred thousand dollars (\$1,500,000) initial allocation;
2. Disapprove the proposed contractor.

IV. STAFF RECOMMENDATION

At the time this agenda item was prepared, the selection panel was still in the contractor selection process. The selection process will be completed prior to the Committee meeting(s) and staff will present the results and make a recommendation of the contractor at that time. If the Board chooses to approve the proposed contractor, staff is recommending that the initial funding allocation be one million five hundred thousand dollars (\$1,500,000).

V. ANALYSIS

A. Key Issues and Findings

Public Resources Code (PRC) Section 48020(b) requires the Board to initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is

unable or unwilling to pay for timely remediation and where the cleanup is needed to protect public health and safety or the environment. The Legislature annually appropriates funding for purposes of implementing the Program and the Board is authorized both to expend funds directly from the Solid Waste Cleanup Trust Fund for cleanup and to provide grants and loans [PRC Section 48021(b)].

Assembly Bill (AB) 992 (Chapter 496, Statutes of 1999) modified the existing law governing the program by eliminating some monetary limitations and expanding parties eligible for some funding. Specifically, the bill modified the amount for administration of the AB 2136 Program and removed the annual spending cap of \$5 million per fiscal year from the trust fund. These modifications allow accumulated funds from cost sharing, cost recovery, and unspent annual balances to be used by the Board to approve projects beyond the previous spending cap.

When the Board directly expends funds, as opposed to providing grants, the projects are termed "Board-managed" remediations. Sites authorized for direct expenditure of funds are cleaned up through the use of two environmental services contractors selected on a competitive qualifications basis, allowing the Board to avoid the time-consuming contracting process for each Board-managed project and the potential for renegotiating contracts when unforeseen or unanticipated conditions occur.

The AB 2136 Program is a significant component in implementing the Board's mission to protect public health and safety and the environment by cleaning up many of the most egregious and intractable solid waste disposal site problems in the State. To date, the Board has approved approximately \$59,644,210 in funding to cleanup 590 sites under the Program, with an additional \$32,228,558 in funding leveraged from other parties through grant matches and other contributions, and \$4,654,436 collected through cost recovery. Approximately 60% of approved funding has been for Board-managed projects.

Environmental Services Contracts

The Program has utilized environmental services contractors to perform Board-managed remediations since its inception in 1994. The Program typically has two companies under contract to ensure availability of equipment and labor to respond in a timely manner to a project anywhere in California. The following summarizes environmental services contracts under the Program to date:

<u>Contract No.</u>	<u>Company Name</u>	<u>Expiration Date</u>
IWM-C3058	Norcal/San Bernardino, Inc.	June 1995
IWM-C3057	Sukut Construction Co., Inc.	June 1997
IWM-C5049	Granite Construction Co., Inc.	May 1999
IWM-C6054	Irv Guinn Construction Co., Inc.	June 1999
IWM-C5050	Sukut Construction Co., Inc.	May 2000
IWM-C7054	Sukut Construction Co., Inc.	June 2000
IWM-C8031A	Sukut Construction Co., Inc.	May 2002
IWM-C8031B	Irv Guinn Construction Co., Inc.	May 2002
IWM-C0106A	A.J. Diani Construction Co., Inc.	May 2004
IWM-C0106B	Irv Guinn Construction Co., Inc.	May 2004
IWM03015A	Irv Guinn Construction Co., Inc.	May 2006
IWM03015B	A.J. Diani Construction Co., Inc.	May 2006

In prior years, staff has issued a single RFQ for the two environmental services contractors without regard to assigning primary geographic areas, and brought a single award item to the Board for consideration. This year, at the direction of the Legal Office and Administration and Finance Division, staff issued two separate RFQs and is bringing two separate award items to the Board for consideration. This item concerns the award of the environmental services contract for northern California. The next agenda item concerns the award of the environmental services contract for southern California.

The proposed contract in this item would cover projects in northern California and serve as backup for the southern California region in case the resources to perform a required task in accordance with the Board's requirements were unavailable. For the purpose of this contract, northern California is defined as all counties within California located to the north of, and including, Monterey County, Kings County, Tulare County, and Inyo County.

RFQ Process

The Board heard a discussion item regarding contract classifications and competitive bidding methods and processes at its meeting on September 19-20, 2000 (Agenda Item Number 1). This Request for Qualifications (RFQ) process was implemented in accordance with the Board's direction based on that item.

The statutorily authorized RFQ process for soliciting the professional services of architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms emphasizes qualifications over cost (Government Code Section 4525 et seq.; Public Contract Code Section 6106). In order to use the RFQ selection process, also known as the Architectural and Engineering Contract (A&E) method, an agency is required to develop regulations for implementation of the method. The Board's regulations specific to this process are in Title 14, California Code of Regulations, Sections 17020 to 17029.

The RFQ process seeks to determine the best-qualified firm for the proposed project. Selection of the contractor is based on the professional qualifications necessary to satisfactorily perform the services at a fair and reasonable price. The RFQ process used for this contract is in accordance with the established process, and consisted of the following:

1. The Contracts Office of the Administration and Finance Division conducted a prequalification evaluation of all submitted Statement of Qualifications (SOQs).
2. Four SOQs were determined to be complete and were evaluated and ranked by a panel composed of three members of Board staff using the Scope of Work and selection criteria.
3. A minimum of the top three ranked candidate companies are required to be interviewed. However, all the four candidates for this RFQ were interviewed. Interviews were conducted on February 1-2, 2006, and were approximately 1 hour in duration and consisted of a 30-minute presentation by the firm, followed by 15 minutes for questions from the firm and the selection panel, and finally a 10-minute period for

the firm to wrap-up the information they shared. Interviewees were evaluated, scored, and ranked utilizing the same selection criteria for the evaluation of the SOQs.

4. Interviewed companies were ranked and the top candidate will be selected to start the rate negotiation process. If the Board is unable to negotiate a fair and reasonable cost with the top-ranked firm, negotiations are terminated. Negotiations are then commenced with the second most qualified firm. If the Board is unable to negotiate a satisfactory contract with any of the selected firms, the Board can select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. Results of the interview rankings and negotiations will be presented at the Committee meeting(s).

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

The purpose of the solid waste environmental services contracts is to allow the Board to remediate threats to public health and safety or the environment at eligible sites in a timely manner. Selecting qualified firms through a competitive process greatly enhances the ability of the Program to perform Board-managed remediations in implementing the Program.

D. Stakeholder Impacts

Based on available information, staff is not aware of any impacts to stakeholders related to this item.

E. Fiscal Impacts

The Board approved the initial allocation of \$1,500,000, and contract “not-to-exceed” value of \$5,000,000 for each of two environmental services contracts under the Solid Waste Disposal and Codisposal Site Cleanup Program at the September 2005 Board Meeting (Agenda Item 2, Resolutions 2005-237 and 2005-263).

Based on the current environmental services contracts for landfill and disposal site remediation, the Program expended an average of \$2,300,000 per contract per fiscal year. Based on the contract expiration date in May 2008, funding estimates per fiscal year are \$1,500,000 per contract for fiscal year 2005/2006, \$1,750,000 per contract for fiscal year 2006/2007, and \$1,750,000 per contract for fiscal year 2007/2008, for a contract not-to-exceed amount of \$5,000,000 per contract. Depending upon actual demand and/or need, funding per fiscal year may vary and need to be adjusted accordingly.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4, by directing Board resources to manage and mitigate the impacts of solid waste on public health and safety and the environment.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Solid Waste Disposal Trust Fund	\$6,112,021	\$1,500,000	\$4,612,021	Consulting & Professional Services

VII. ATTACHMENTS

1. Resolution Number 2006-42

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- A. Program Staff:** Wes Mindermann/Scott Walker **Phone:** (916) 341-6314
B. Legal Staff: Holly B. Armstrong **Phone:** (916) 341-6060
C. Administration Staff: T. Donohue/E. Brenneman **Phone:** (916) 341-6120/6178

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received specific support at the time this item was submitted for publication.

B. Opposition

Staff had not received specific opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-42 (Revised)

Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Northern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08)

WHEREAS, Public Resources Code (PRC) Sections 48020 et seq. authorizes the Board to implement the Solid Waste Disposal and Codisposal Site Cleanup Program to remediate environmental problems caused by solid waste and clean up disposal sites to protect public health and safety or the environment where the responsible parties cannot be identified or are unable or unwilling to pay for timely remediation; and

WHEREAS, Title 14, California Code of Regulations, Sections 17020 to 17029 set forth the Board approved method for selection of a contractor pursuant to the Request for Qualifications competitive process; and

WHEREAS, the Board has approved guidelines, policies, and regulations for the Solid Waste Disposal and Codisposal Site Cleanup Program to clean up sites; and

WHEREAS, the Board approved the Scope of Work;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the award of an Environmental services contract to A.J. Diani Construction Company, Inc., in support of the activities of the Solid Waste Disposal and Codisposal Site Cleanup Program. The total amount available for encumbrance is one million five hundred thousand dollars (\$1,500,000) from the FY 2005/06 appropriation.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 4

ITEM

Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Southern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08)

I. ISSUE/PROBLEM STATEMENT

This item requests the California Integrated Waste Management Board (Board) to consider and approve a contractor for the environmental services contract for landfill and disposal site remediations in southern California under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program). Contracts for environmental services have been used to support the Board-managed portion of the Program since its inception in 1994. This contract would be for a “not to exceed” amount of five million dollars (\$5,000,000) with initial funding proposed at one million five hundred thousand dollars (\$1,500,000) from funds in the Solid Waste Disposal Trust Fund (Trust Fund) previously appropriated for Fiscal Year (FY) 2005/06.

II. ITEM HISTORY

Prior to considering this item, the Board approved the Scope of Work, initial allocation of \$1,500,000, and contract “not-to-exceed” value of \$5,000,000 for the environmental services contract for landfill and disposal site remediations under the Solid Waste Disposal and Codisposal Site Cleanup Program at the September 2005 Board Meeting (Agenda Item 2, Resolutions 2005-237 and 2005-263).

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the proposed contractor with a one million five hundred thousand dollars (\$1,500,000) initial allocation;
2. Disapprove the proposed contractor.

IV. STAFF RECOMMENDATION

At the time this agenda item was prepared, the selection panel was still in the contractor selection process. The selection process will be completed prior to the Committee meeting(s) and staff will present the results and make a recommendation of the contractor at that time. If the Board chooses to approve the proposed contractor, staff is recommending that the initial funding allocation be one million five hundred thousand dollars (\$1,500,000).

V. ANALYSIS

A. Key Issues and Findings

Public Resources Code (PRC) Section 48020(b) requires the Board to initiate a program for the cleanup of solid waste disposal sites and for the cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation and where the cleanup is needed to protect public health and safety or the environment. The Legislature annually appropriates funding for

purposes of implementing the Program and the Board is authorized both to expend funds directly from the Solid Waste Cleanup Trust Fund for cleanup and to provide grants and loans [PRC Section 48021(b)].

Assembly Bill (AB) 992 (Chapter 496, Statutes of 1999) modified the existing law governing the program by eliminating some monetary limitations and expanding parties eligible for some funding. Specifically, the bill modified the amount for administration of the AB 2136 Program and removed the annual spending cap of \$5 million per fiscal year from the trust fund. These modifications allow accumulated funds from cost sharing, cost recovery, and unspent annual balances to be used by the Board to approve projects beyond the previous spending cap.

When the Board directly expends funds, as opposed to providing grants, the projects are termed "Board-managed" remediations. Sites authorized for direct expenditure of funds are cleaned up through the use of two environmental services contractors selected on a competitive qualifications basis, allowing the Board to avoid the time-consuming contracting process for each Board-managed project and the potential for renegotiating contracts when unforeseen or unanticipated conditions occur.

The AB 2136 Program is a significant component in implementing the Board's mission to protect public health and safety and the environment by cleaning up many of the most egregious and intractable solid waste disposal site problems in the State. To date, the Board has approved approximately \$59,644,210 in funding to cleanup 590 sites under the Program, with an additional \$32,228,558 in funding leveraged from other parties through grant matches and other contributions, and \$4,654,436 collected through cost recovery. Approximately 60% of approved funding has been for Board-managed projects.

Environmental Services Contracts

The Program has utilized environmental services contractors to perform Board-managed remediations since its inception in 1994. The Program typically has two companies under contract to ensure availability of equipment and labor to respond in a timely manner to a project anywhere in California. The following summarizes environmental services contracts under the Program to date:

<u>Contract No.</u>	<u>Company Name</u>	<u>Expiration Date</u>
IWM-C3058	Norcal/San Bernardino, Inc.	June 1995
IWM-C3057	Sukut Construction Co., Inc.	June 1997
IWM-C5049	Granite Construction Co., Inc.	May 1999
IWM-C6054	Irv Guinn Construction Co., Inc.	June 1999
IWM-C5050	Sukut Construction Co., Inc.	May 2000
IWM-C7054	Sukut Construction Co., Inc.	June 2000
IWM-C8031A	Sukut Construction Co., Inc.	May 2002
IWM-C8031B	Irv Guinn Construction Co., Inc.	May 2002
IWM-C0106A	A.J. Diani Construction Co., Inc.	May 2004
IWM-C0106B	Irv Guinn Construction Co., Inc.	May 2004
IWM03015A	Irv Guinn Construction Co., Inc.	May 2006
IWM03015B	A.J. Diani Construction Co., Inc.	May 2006

In prior years, staff has issued a single RFQ for the two environmental services contractors without regard to assigning primary geographic areas, and brought a single award item to the Board for consideration. This year, at the direction of the Legal Office and Administration and Finance Division, staff issued two separate RFQs and is bringing two separate award items to the Board for consideration. This item concerns the award of the environmental services contract for southern California. The previous agenda item concerns the award of the environmental services contract for northern California.

The proposed contract would cover projects in southern California and serve as backup for the northern California region in case the resources to perform a required task in accordance with the Board's requirements were unavailable. For the purpose of this contract, southern California is defined as all counties within California located to the south of, and including, San Luis Obispo County, Kern County, and San Bernardino County.

RFQ Process

The Board heard a discussion item regarding contract classifications and competitive bidding methods and processes at its meeting on September 19-20, 2000 (Agenda Item Number 1). This Request for Qualifications (RFQ) process was implemented in accordance with the Board's direction based on that item.

The statutorily authorized RFQ process for soliciting the professional services of architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms emphasizes qualifications over cost (Government Code Section 4525 et seq.; Public Contract Code Section 6106). In order to use the RFQ selection process, also known as the Architectural and Engineering Contract (A&E) method, an agency is required to develop regulations for implementation of the method. The Board's regulations specific to this process are in Title 14, California Code of Regulations, Sections 17020 through 17029.

The RFQ process seeks to determine the best-qualified firm for the proposed project. Selection of the contractor is based on the professional qualifications necessary to satisfactorily perform the services at a fair and reasonable price. The RFQ process used for this contract is in accordance with the established process, and consisted of the following:

1. The Contracts Office of the Administration and Finance Division (Contracts Office) advertised the RFQ via the Department of General Services' (DGS) website (DGS operates a subscription service whereby interested parties are notified when a notice of any RFQ or Request for Proposals is posted to the specific specialty area to which the party has subscribed); by posting the notice of the RFQ on the Board's website; in trade publications; and by direct notice to a list of contacts provided to the Contracts Office by Board staff.
2. The RFQ package was made available on the Board's website, or hard copies were available upon request from the Contracts Office.
3. All Statements of Qualification (SOQs) were required to be received at the Board's headquarters by the designated deadline to qualify for consideration.

4. The Contracts Office conducted a prequalification evaluation of all submitted SOQs.
5. Eight SOQs were determined to be complete and were evaluated and ranked by a panel composed of three members of Board staff using the Scope of Work and selection criteria set forth in the RFQ.
6. A minimum of the top three ranked candidate companies are required to be interviewed. The top three ranked firms were interviewed for this RFQ. Interviews were conducted on February 1-2, 2006, and were approximately 1 hour in duration and consisted of a 30-minute presentation by the firm, followed by 15 minutes for questions from the firm and the selection panel, and finally a 10-minute period for the firm to wrap-up the information they shared. Interviewees were evaluated, scored, and ranked utilizing the same selection criteria for the evaluation of the SOQs.
7. Interviewed companies were ranked and the top candidate will be selected to start the rate negotiation process. If the Board is unable to negotiate a fair and reasonable cost with the top-ranked firm, negotiations are terminated. Negotiations are then commenced with the second most qualified firm. If the Board is unable to negotiate a satisfactory contract with any of the selected firms, the Board can select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. Results of the interview ranking and negotiations will be presented at the Committee meeting(s).

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

The purpose of the solid waste environmental services contracts is to allow the Board to remediate threats to public health and safety or the environment at eligible sites in a timely manner. Selecting qualified firms through a competitive process greatly enhances the ability of the Program to perform Board-managed remediations in implementing the Program.

D. Stakeholder Impacts

Based on available information, staff is not aware of any impacts to stakeholders related to this item.

E. Fiscal Impacts

The Board approved the initial allocation of \$1,500,000, and contract “not-to-exceed” value of \$5,000,000 for each of two environmental services contracts under the Solid Waste Disposal and Codisposal Site Cleanup Program at the September 2005 Board Meeting (Agenda Item 2, Resolutions 2005-237 and 2005-263).

Based on the current environmental services contracts for landfill and disposal site remediation, the Program expended an average of \$2,300,000 per contract per fiscal year. Based on the contract expiration date in May 2008, funding estimates per fiscal year are \$1,500,000 per contract for fiscal year 2005/2006, \$1,750,000 per contract for fiscal year 2006/2007, and \$1,750,000 per contract for fiscal year 2007/2008, for a contract not-to-exceed amount of \$5,000,000 per contract. Depending upon actual demand and/or need, funding per fiscal year may vary and need to be adjusted accordingly.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this item.

G. Environmental Justice

Based on available information, staff is not aware of any environmental justice issues related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4, by directing Board resources to manage and mitigate the impacts of solid waste on public health and safety and the environment.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Solid Waste Disposal Trust Fund	\$4,612,021	\$1,500,000	\$3,112,021	Consulting & Professional Services

VII. ATTACHMENTS

1. Resolution Number 2006-40

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- A. Program Staff:** Wes Mindermann/Scott Walker **Phone:** (916) 341-6314
B. Legal Staff: Holly B. Armstrong **Phone:** (916) 341-6060
C. Administration Staff: T. Donohue/E. Brenneman **Phone:** (916) 341-6120/6178

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received specific support at the time this item was submitted for publication.

B. Opposition

Staff had not received specific opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-40 (Revised)

Consideration Of Approval Of A Contractor For The Environmental Services Contract For Landfill And Disposal Site Remediation For Southern California Under The Solid Waste Disposal And Codisposal Site Cleanup Program (Solid Waste Disposal Trust Fund, FYs 2005/06, 2006/07, And 2007/08)

WHEREAS, Public Resources Code Sections 48020 et seq. authorizes the Board to implement the Solid Waste Disposal and Codisposal Site Cleanup Program to remediate environmental problems caused by solid waste and clean up disposal sites to protect public health and safety or the environment where the responsible parties cannot be identified or are unable or unwilling to pay for timely remediation; and

WHEREAS, Title 14, California Code of Regulations, Sections 17020 through 17029 set forth the Board-approved method for selection of a contractor pursuant to the Request for Qualifications competitive process; and

WHEREAS, the Board has approved guidelines, policies, and regulations for the Solid Waste Disposal and Codisposal Site Cleanup Program to clean up sites; and

WHEREAS, the Board approved the Scope of Work;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the award of an environmental services contract to Remedial Construction Services, L.P., in support of the activities of the Solid Waste Disposal and Codisposal Site Cleanup Program, with an allocation from the FY 2005/06 appropriation in the amount of one million five hundred thousand dollars (\$1,500,000).

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 5

ITEM

Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program (Farm And Ranch Cleanup Account, FY 2005/06)

I. ISSUE/PROBLEM STATEMENT

This item requests the California Integrated Waste Management Board's (Board) approval of four grants totaling \$151,312 for the third quarter of fiscal year 2005/2006 for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program.

II. ITEM HISTORY

On July 14, 2004, the Board approved the revised grant scoring criteria and evaluation process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the proposed awards and adopt Resolution Number 2006-43; or
2. Disapprove the proposed awards and Resolution and direct staff as to further action.

IV. STAFF RECOMMENDATION

Staff recommend Option 1.

V. ANALYSIS

A. Key Issues and Findings

Senate Bill 1330 (Lockyer, Statutes of 1997, Chapter 875) required the Board to establish a grant program under which cities and counties may seek financial assistance for cleanup of illegal solid waste disposal sites on farm or ranch property. Public or private property owners that desire grant funding must coordinate with a local government agency as the applicant. Regulations to implement the Program were approved by the Board on January 25-27, 2000, and by the Office of Administrative Law on June 29, 2000.

Senate Bill 1328 (Chesbro, Statutes of 2002, Chapter 628), effective January 1, 2003, increased the amount applicants may request, up to \$50,000 per single cleanup or abatement project and up to \$200,000 per fiscal year. The legislation also increased the amount of administrative costs eligible to be charged to the grant to seven percent of the grant amount. In addition, Resource Conservation Districts and Native American tribes became eligible to apply directly to the Board for Farm and Ranch Grants. In cases where the cost of the cleanup exceeds the maximum limits, the applicant or property owner is responsible for the additional cost to completely clean the site.

Properties eligible for grants include those involving a broad range of agricultural activities (e.g., farms, ranches, horticulture activities, and silviculture activities) where the property owner is not responsible for the illegal disposal or dumping based

on a determination by the city or county. Easements, rights-of-way and multiple parcels on farm and ranch property, are also potentially eligible. The grant scoring criteria and evaluation process for the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program is periodically brought back to the Board for update and revision, most recently July 14, 2004 (Agenda Item 19).

The Program's funding is primarily used to pay for the removal and proper disposal of small nuisance illegal dump sites containing non-hazardous solid waste, including tires and incidental amounts of household hazardous materials, and for site security measures to prevent recurrence of illegal disposal after the projects are completed.

To date, the Board has awarded pursuant to the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, 82 grants to clean up 285 illegal disposal sites for a total funding amount of \$3,234,467. The Farm and Ranch Program is the Board's primary program to assist local agencies in combating the problem of illegal dumping of solid waste in rural areas.

Title 14, California Code of Regulations (14 CCR), Section 17992.4 specifically lists eligible and ineligible remedial actions under the Program and allows the Board to consider approval of any other remedial actions not specified as ineligible. Unless otherwise noted, specific actions proposed for each project are specifically eligible pursuant to the regulations.

Public Resources Code Section 48103(e) and 14 CCR 17992.2(a) allow an owner to receive reimbursement for solid waste cleanup or abatement costs under the Program. Applications for reimbursement are scored using the Board-approved scoring criteria and evaluation process. An application for reimbursement does receive a lower score overall when compared to an application for a project that has not yet been remediated. Any reimbursement grants are specifically noted in the descriptions of the project and, if recommended for approval, receive the necessary score to be eligible and receive available funding.

Applications Received Third Quarter Fiscal Year 2005/2006

Four applications were received for the third quarter of fiscal year 2005/2006, requesting \$151,848.98 to clean up 14 illegal disposal sites. The difference between the amount requested by the applicants and the amount recommended for funding is due to mathematical errors and ineligible costs.

All four grant applications were reviewed and scored by a committee using the Board-approved scoring criteria and evaluation process, and all four received passing scores. The four applications contain 14 sites that were found to be eligible pursuant to 14 CCR, Section 17992.3.

A signed affidavit was submitted by each of the property owners or their authorized agent for each of the 14 approved sites stating that neither they nor any other person allowed on the property directed, authorized, permitted or otherwise consented to the disposal of solid waste onto their property. In addition, each application includes a statement by the local government applicant that supports the property owner's affidavit.

The following is a summary of the four applications being recommended for grant funding:

1. Trinity County Resource Conservation District

Grant Funds Recommended for Approval: \$64,949

Eleven illegal dump sites are present in Trinity County. Eight are located on U. S. Forest Service lands and three are on private property. The waste on the sites includes 33 vehicles, 45 appliances, 98 tires and other miscellaneous household trash, construction debris and agricultural waste. The properties are heavily forested and actively being managed for timber production.

Site security will be addressed with the purchase of two surveillance cameras, gates for eight of the sites and tank traps (ditches to prevent vehicle access) where ever possible. Brochures, radio spots and advertisements at the local movie theater will help promote legal waste disposal.

2. Florin Resource Conservation District

Grant Funds Recommended for Approval: \$7,103

Approximately 300 tires have been illegally disposed onto a parcel of land adjacent to Blodgett Reservoir near the Kiefer Landfill. The land is active farm and ranch property used to grow Sudan grass and cultivate bees. Access to the property will be blocked with a new gate and signage.

3. San Diego County

Grant Funds Recommended for Approval: \$29,270

This property has been an illegal disposal site and home to squatters for many years. The landowner has invested over \$90,000 and is requesting grant funds to clean up the remainder of the property. Approximately 40 appliances, 35 vehicles, 2,000 tires and miscellaneous solid waste and construction debris still remain. Access to the property has been blocked by a new gate and signs will be posted.

The property is zoned for agriculture, but is currently fallow. It is surrounded by avocado and citrus trees and a children's horse riding camp.

4. Cabazon Band of Mission Indians

Grant Funds Recommended for Approval: \$49,990

Over two thousand cubic yards of concrete, asphalt and agricultural clippings have been illegally disposed onto a thirty acre parcel of land within the Cabazon reservation. The land is currently fallow due to the presence of the waste, but has been characterized by the tribe as agricultural. The land has historically been used to grow crops and has also been used for rangeland. Tribal Housing Security will be increased to discourage further dumping.

B. Environmental Issues

These projects are categorically exempt from the provisions of the California Environmental Quality Act pursuant to 14 CCR 15308.

These four grant applications support the cleanup of 14 illegal disposal sites on farm and ranch property. The cleanup of these sites will eliminate the health and safety threat posed by the waste to the public, wildlife, and the environment.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program or long-term impacts related to this item.

D. Stakeholder Impacts

The cleanup of the illegal disposal sites proposed in the applications will allow the property owners to once again fully utilize the land without the hindrance of the illegally disposed waste.

E. Fiscal Impacts

There is \$637,854.32 remaining in the fund for the current fiscal year. If approved, these proposed awards will encumber \$151,312, leaving \$486,542.32 remaining for fiscal year 2005/2006.

F. Legal Issues

The Board is authorized to take this action pursuant to Public Resources Code Sections 48100 et seq.

G. Environmental Justice

As directed by the Board, the grant applications being considered for award include the Board's Environmental Justice certification, and the program grant agreements require the grantees to comply with Environmental Justice standards.

H. 2001 Strategic Plan

This item supports Strategic Plan Goal 4 by directing Board resources to manage and mitigate the impacts of solid waste on public health and safety and the environment.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Farm and Ranch Cleanup Account	\$637,854.32	\$151,312	\$486,542.32	Grants

VII. ATTACHMENTS

1. Resolution Number 2006-43

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- | | |
|---|-----------------------------------|
| A. Program Staff: Carla Repucci | Phone: (916) 341-6316 |
| B. Legal Staff: Steve Levine/Holly Armstrong | Phone: (916) 341-6064/6060 |
| C. Administration Staff: Roger Ikemoto | Phone: (916) 341-6116 |

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Letters of support were received as part of each application.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-43

Consideration Of The Grant Awards For The Farm And Ranch Solid Waste Cleanup And Abatement Grant Program (Farm And Ranch Cleanup Account, FY 2005/06)

WHEREAS, Public Resources Code sections 48100 et seq. requires the California Integrated Waste Management Board (Board) to establish and implement the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program (Program) under which cities, counties, resource conservation districts, and Native American tribes may seek financial assistance for cleanup of illegal disposal sites on farm and ranch property; and

WHEREAS, the Board has adopted regulations for the administration of the Program (Title 14, California Code of Regulations, sections 17990 et seq.); and

WHEREAS, at its July 2004 meeting the Board approved a revised grant scoring and evaluation process for the Program; and

WHEREAS, the Board received applications for the solid waste cleanup of farm and ranch sites in the counties of Trinity, Sacramento, San Diego and Riverside; and

WHEREAS, Board staff reviewed the grant applications based on the aforementioned criteria and determined that the applications are qualified for grant funding.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves grants totaling one hundred fifty-one thousand, three hundred twelve dollars (\$151,312) and hereby directs staff to develop and execute the Grant Agreements with the following:

<u>Grantee Name</u>	<u>Recommended Funding</u>
Trinity County Resource Conservation District	\$ 64,949.00
Florin Resource Conservation District	\$ 7,103.00
San Diego County	\$ 29,270.00
<u>Cabazon Band of Mission Indians</u>	<u>\$ 49,990.00</u>
Total	\$151,312.00

(over)

BE IT FURTHER RESOLVED that the award of these grants is conditioned upon the return by the proposed Grantees of complete and executed Grant Agreements within ninety (90) days of the date of the mailing of the agreement package by the Board; and

BE IT FURTHER RESOLVED that the award of each grant is further conditioned upon full payment within ninety (90) days of the date of this grant award of all outstanding debt(s) owed by the proposed Grantee to the Board.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 6

ITEM

Discussion Of Local Enforcement Agency Evaluations

I. ISSUE/PROBLEM STATEMENT

This item updates the Board on the current status of Local Enforcement Agency (LEA) evaluations completed in the current (third) evaluation cycle through February 1, 2006. Each cycle lasts for three years, and the third evaluation cycle began in May 2003. This item also discusses how staff addresses LEA performance in-between formal evaluations, and briefly discusses improving the evaluation process statutory framework and providing increased in-field assistance and training related to LEA performance.

II. ITEM HISTORY

Staff has presented an annual LEA Evaluation update item since the early 1990s. In March 2005, staff presented a discussion item on the LEA evaluation process including a summary of the third cycle through December 31, 2004. In that item, staff also discussed the Board's progress in responding to the 2003 Bureau of State Audits report.

III. OPTIONS FOR THE BOARD

The Board is not required to take action on this item.

IV. STAFF RECOMMENDATION

There is no recommendation since this is a discussion item.

V. ANALYSIS

A. Key Issues and Findings

Overview

To date, 26 of 48 LEAs evaluated in this cycle have been found to be fulfilling their responsibilities. Six were found to be fulfilling most responsibilities, while sixteen require a subsequent LEA evaluation workplan to address their evaluation findings.

Background

The Board's LEA program encompasses the formation, support and evaluation of the LEAs to ensure their success in consistent enforcement of statute, regulations, and solid waste facilities' permit terms and conditions statewide. The program involves a stepped approach for program staff as well as formal Board involvement in the event that escalating action is warranted, up to and including withdrawal of the LEA's designation approval and decertification.

Certified LEAs

Currently, 55 Board-certified LEAs perform their permitting, inspection, and enforcement duties throughout the state. Some LEA jurisdictions include multiple counties. Attachment 1 illustrates the LEA designation and certification process.

The Board acts as the enforcement agency (EA) in five jurisdictions: the City of Berkeley, the City of Stockton, the County of Santa Cruz, the County of San Luis Obispo, and the County of Stanislaus. The Board became the enforcement agency in the County of San Luis Obispo in July 2004.

LEA Performance Evaluation Framework

LEA Evaluations -- The Board utilizes statutory and regulatory standards to assess LEA performance and to ascertain that the LEA:

1. Provides consistent enforcement of statute and regulations pertaining to the handling and disposal of solid waste;
2. Implements its Board-approved Enforcement Program Plan (EPP); and
3. Remains in compliance with its certification requirements (i.e., staff adequacy, technical expertise, budget resources, training, and carrying out the processes in their EPP).

Pursuant to PRC 43214, the Board developed performance standards in 1991 for evaluating LEAs and reviewing each enforcement agency's implementation of the permit, inspection, and enforcement program. These performance standards are located in 14 CCR, Division 7, Chapter 5, Article 2.2. Pursuant to statute and regulation, evaluation staff find that an LEA is not fulfilling its duties if the LEA has:

1. failed to exercise due diligence in the inspection of solid waste facilities and disposal sites;
2. intentionally misrepresented the results of inspections;
3. failed to prepare, or cause to be prepared, permits, permit revisions, or closure and postclosure maintenance plans;
4. approved permits, permit revisions, or closure and postclosure maintenance plans which are not consistent with Part 4 and Part 5 of the Public Resources Code;
5. failed to take appropriate enforcement actions; and
6. failed to comply with, or has taken actions that are inconsistent with, or unauthorized by statute or regulations.

It is important to note that these statutory criteria are limited. For example, the criteria do not address the quality of inspections conducted or of permits prepared by a LEA. However, finding #6 (above) can address quality issues to the extent that a LEA does not fulfill a requirement that is specified in statute or regulation.

Staff conduct mandatory LEA evaluations every three years (PRC 43214(b)) or more frequently should the Board or special circumstances dictate a need.

- The evaluation timeframe begins at the conclusion of the last evaluation (the final evaluation results date or conclusion of LEA Evaluation workplan monitoring), and concludes with the initiation date for the current evaluation. The time frame is clearly identified in written correspondence notifying the LEA of its evaluation.
- Any ongoing issues that began *before* the conclusion of the last evaluation and remain unresolved are considered in the current evaluation.
- Staff maintains a 3-6 month LEA evaluation schedule for Division workload and LEA planning purposes. The schedule is tentative, approximate, and subject to change.

Under special circumstances, an evaluation may also be triggered by:

- Board direction, the Executive Director, and/or the Permitting and Enforcement Division Deputy Director for specific LEA statutory and/or regulatory duty performance issues (PRC 43219 (c)).
- Conditions at a solid waste facility/disposal site that cause a threat to public health and safety or the environment.
- Board-verified information provided by California Conference of Directors of Environmental Health, Enforcement Advisory Council, concerned public, other agencies (local, state, federal), or regulated industry.

LEA Evaluation Process -- The existing evaluation process (Attachment 2) entails a stepped approach that escalates as needed, ultimately involving action by the Board for those instances that cannot be resolved administratively. These steps include:

1. Staff notifies the LEA of its evaluation schedule.
2. Staff utilizes the Solid Waste Information System (SWIS) database and discussions with Permitting and Enforcement Division staff and the LEA to determine if the LEA is fulfilling its duties and responsibilities. Additionally, Board staff analyzes each jurisdiction's workload in conjunction with budget and other resources on an annual basis to determine staff adequacy. This is accomplished through annual LEA EPP updates.
3. Once staff determines the LEA is, or is not, fulfilling its duties and responsibilities, the findings are documented in a written report. If the evaluation identifies no or minor program implementation issues, the report can result in either: a) commending the LEA for a job well done; or b) identifying specific issues for improvement for the minor issues.
4. Administrative (if needed): If staff finds the LEA not to be fulfilling its responsibilities, the first step to correcting the LEA performance issues requires the LEA to develop an evaluation workplan.
5. Administrative steps leading to Board action (if needed): The primary evaluation follow-up activity consists of monitoring LEA workplan progress at regular intervals. Once the LEA meets the workplan tasks, the evaluation process is deemed completed for that cycle. When a workplan is not met, staff convenes an "administrative conference" with the LEA, the CIWMB Permitting and Enforcement Deputy Director, and CIWMB Executive Office to resolve any conflicts. An administrative conference can result in preparation/revision of a workplan, or in staff bringing the matter before the Board.
6. Board action: If administrative remedies to improve LEA performance fail, the Board may exercise one or more of the following statutory actions (PRC 43216.5 and 43214, and as codified in 14 CCR, Division 7, Chapter 5, Article 2.3, section 18087) (Attachment 3):
 - The Board may establish a schedule and probationary period for improved LEA performance (PRC 43216.5). This period allows due process for the LEA to accomplish performance objectives without direct Board intervention on a local level.

- The Board may assume partial responsibility for specified LEA duties (PRC 43216.5). Under this option, the Board considers partial de-certification, full de-certification, or withdrawal of designation approval. This action would result in direct Board involvement on a local level. The Board may assume local enforcement agency responsibility on a site/facility basis, on one or more certified LEA duties, or on all LEA certification duties. Full de-certification and withdrawal of designation approval results in the Board becoming the enforcement agency for the jurisdiction. Statute allows the Board to recover its expenses when acting in any of these capacities.
- The Board may conduct more frequent inspections and evaluations (PRC 43216.5).
- The Board may implement any other measures which it determines to be necessary to improve LEA compliance (PRC 43216.5).
- The Board may take any actions it determines to be necessary to ensure LEAs fulfill their obligations (PRC 43216.5).
- If the lack of LEA performance has contributed to significant non-compliance with state minimum standards at solid waste facilities, the Board shall withdraw its approval of designation (PRC 43214(c)).

In addition to these options, which are part of the evaluation process delineated in statute and regulations, the Board can apply an “Urgency Step” at any time if the Board finds that conditions at solid waste facilities threaten public health and safety or the environment. In this situation, the Board shall, within 10 days of notifying the LEA, become the enforcement agency until another local agency is designated and certified (PRC 43214(c)). Staff prepares a Board agenda item recommending this option when the statutory conditions apply. To date, this step has not been used.

Attachment 2 shows the evaluation process graphically. As shown, if issues cannot be resolved, staff will prepare an agenda item for Board consideration. Attachment 3 shows the process for Board consideration of actions over LEAs.

Schedule and Timeframes— Evaluation staff initiated the third cycle of LEA evaluations in May 2003 with plans to conclude the process in May 2006. This action is consistent with the statutory requirement to evaluate LEAs once every three years or more frequently as determined by the Board. Progress, as of this writing, indicates that 51 of the 55 currently certified LEAs, and the Board as EA, will have their evaluations completed by May of this year. The remaining four will have been initiated and be at various steps in the process. Barring unforeseen circumstances, staff anticipates concluding the remaining evaluations in the summer. The previous cycle (second cycle) of LEA evaluations took approximately five years to conclude (January 1998 through December 2002). The third LEA evaluation cycle will be substantially complete at the three year mark, which represents a major improvement over the second cycle.

The Bureau of State Audits conducted a review of the Board and local agencies’ oversight of solid waste facilities and issued its report on December 10, 2003 (*California State Auditor Report 2003-113*). Although the report found that the established scope of the evaluations and their outcomes were appropriate, it identified that the Board did not evaluate all LEAs within the statutorily-mandated three years.

The Board discussed the audit findings in February 2004 and staff implemented ways to address them including improved internal practices (i.e., both data input and special reports) and firmer deadlines for internal discussions, fact-finding, and reviews prior to evaluation result report issuance. As a result of the above enhancements, staff was able to accelerate the process, and as mentioned, be substantially within a three year evaluation frequency as required. As always, if circumstances change, staff will examine alternative approaches to the current LEA evaluation process, such as the establishment of a prioritization system based on jurisdictional performance, and/or examine other evaluation models to identify any needed changes.

Performance “Triggers” – As discussed above, the statutory LEA evaluation mandate (PRC 43214(b)) requires the Board to evaluate LEAs at least once every three years. Consequently, any LEA performance issues which occur between evaluations may be perceived as not being addressed until the next LEA evaluation. That is not the case.

To provide additional oversight of LEA performance outside of the formal evaluation cycle, several years ago Board staff developed a process known as “triggers.” The intent of the process is to flag downward trends in an LEA program’s performance, independent of evaluations, and ascertain how the problems could be addressed with more focused Board assistance. In a February 18, 2004 Board Agenda Item, the “Triggers for Local Enforcement Agency Assistance” were described along with a process flow chart (Attachment 4). This item outlined the performance areas (such as inspections, permit processing and enforcement) that would be monitored relative to LEA duties.

After implementing the triggers process for a year, staff has noted that interpretation of the trigger definitions varied among staff and resulted in inconsistent implementation. In addition, some staff responsible for assisting LEAs were reluctant to bring up performance issues, because this could be viewed negatively by an LEA and thus impact staff’s ability to maintain a supportive working relationship with the LEA.

In early 2005, staff began to remedy these problems by more specifically defining the performance criteria that would be monitored and including consistent and clear criteria and thresholds. This effort also included identification of the methods for monitoring performance and how downward trends in performance would be communicated to LEAs. In particular, Board management will now be responsible for communicating those performance issues to an LEA as opposed to the staff tasked with direct assistance. Staff anticipates an improved, consistent and more effective triggers system will be ready for implementation in the next few months. In the interim, gaps in the system are being addressed through increased level of communication by all participants in an effort to continue to provide focused assistance to LEAs as needed.

Also in the interim, should a triggered situation require corrective action (an elevated response from Board staff), then specific measures can be taken by appropriate Board staff targeting the deficiency (i.e., specific training, document-processing guidance, regulatory guidance, enforcement guidance, CEQA guidance, assistance involving other state agencies, etc.). Should this assistive process fail to correct deficiencies, the Board

can audit the LEA through an immediate “out of cycle” full performance evaluation (as was the case for Merced County in September 2003). Or, if conditions warrant, staff can prepare an agenda item with appropriate options for formal Board action. For example, Madera County violated its LEA certification requirements with respect to staffing and conflict of interest, by placing the LEA program and the county waste management facility operations within the newly established county Resource Management Agency. This matter was brought before the Board at a special Board Meeting in October 2005; subsequently in December 2005, Madera County corrected the violations.

Permitting and Enforcement Division staff have discussed several additional ideas to provide better assistance to LEAs and to more readily document and evaluate both successful and deficient performance. These include: 1) conducting more frequent joint inspections with LEAs of all facility and operations types to “calibrate” Board and LEA perspectives; and 2) providing expanded training to LEAs and operators on multiple issues. In December 2005, the Board allocated additional funding to expand its training program. Implementing these and related ideas should help improve LEA performance, prevent operational problems or solve them more rapidly, and help resolve permitting issues earlier in the permitting process.

LEA Evaluation Findings

Board staff began the third cycle of LEA evaluations in May 2003. Below is a summary of the LEA evaluations and their outcomes:

- As of February 1, 2006 Board staff completed 48 evaluations (see Attachment 5 for specific details). Of the 48 completed evaluations:
 - 26 LEAs were found to be fulfilling their duties and responsibilities;
 - 6 LEAs were found to be fulfilling most of their duties and responsibilities;
 - 16 LEAs were found to be not fulfilling all their duties and responsibilities; all 16 required a *workplan* in order to address their evaluation findings;
- 2 additional evaluations are currently in progress; and
- 6 LEA evaluations remain to be conducted over the course of this cycle; at the time of this writing (February 2006), evaluation staff have scheduled all remaining evaluations (City of San Jose and the counties of Fresno, Merced, Mono/Alpine, Tehama, and Yolo).

Of the 48 completed evaluations, the following summarizes number of LEAs identified within each category of statutory finding:

1. The enforcement agency failed to exercise due diligence in the inspection of closed solid waste facility(ies) and/or disposal site(s) [10].
2. The enforcement agency failed to prepare or caused to be prepared permits, permit revisions, or closure and postclosure maintenance plans [12].
3. The enforcement agency failed to take appropriate enforcement action [7].
4. The LEA failed to comply with, or has taken actions that are inconsistent with, or that are not authorized by statute and regulations [3].
5. Certification/Maintenance Issues [9].

LEA Evaluation Workplans - Evaluation workplans are vital tools which resolve most LEA performance/ compliance problems. Evaluation staff typically monitors the LEA's progress on evaluation workplans at three, six, and nine-month intervals. Monitoring frequency may increase due to workplan requirements. Once the LEA completes the workplan tasks, the evaluation process is deemed complete. The status of current LEA evaluation workplans through December 31, 2005 is as follows (see Attachment 5 for more details):

- Completed 3rd Cycle Workplans--seven (7) LEAs completed their workplans required by 3rd Cycle evaluations (Madera County-December 2005, Nevada County-September 2005, Placer County-June 2005, Riverside County-December 2005; San Bernardino-February 2005, Siskiyou County-November 2004, Tulare County-May 2005).
- In-Progress 3rd Cycle Workplans--three (3) LEAs are working towards meeting the task compliance dates established in their workplans (Humboldt County, Lake County, San Diego County).
- Under Development 3rd Cycle Workplans--six (6) LEAs are developing their workplan as a result of the current evaluation cycle (Alameda County, El Dorado County, Inyo County, Kern County, Los Angeles County, Monterey County);
- Other than 3rd Cycle Workplans—Merced County completed its “outside cycle” workplan in November 2004. Fresno County and Mono/Alpine Counties continue to work toward meeting the long-term task compliance dates established in their 2nd cycle workplans.

LEA Program Assistance

The Board implements a number of activities designed to support and enhance LEA efforts in performing their duties, including:

Training and Technical Assistance:

- timely targeted assistance that the Board accomplishes through a set of “triggers” (as discussed above);
- 2005 was a very successful year for the LEA Training Program. Over 1100 attendees participated in a variety of courses offered throughout the year. Some of the topics offered included A to Z Solid Waste Permit Process – C is for CEQA; Compliance First: Evaluation of Solid Waste Facilities’ State Standards; Using GIS in the LEA World; Conducting Surveillance and Investigations for Illegal Tire Dumping; Landfill Gas Monitoring Made Easy; Health and Safety Refreshers; and the Annual LEA/CIWMB Partnership Conference. In December 2005, the Board allocated up to an additional \$150,000 to enhance the existing LEA training program to more systematically include facility operators and expand the course offerings and number of venues. Staff is working to encumber those dollars and put plans in place.

Electronic Communication:

- the SWIS database reflects facility compliance with State standards, tracks solid waste trends, provides management and geographic information, and documents all inspection, permitting, and closure data on a site by site basis;
- a LEA network, which provides electronic mail, access to the Worldwide Web and LEA Central (LEA information center), and file transfer services among LEAs and the Board;

- hardware, software, Internet service to LEAs that request it;
- all-LEA e-mails that communicate Board staff advice and technical expertise to the LEAs.

Partnerships:

- a roundtable forum that provides an opportunity for LEAs, at various locations throughout the State, to address local issues and concerns, and to provide feedback to various Board divisions;
- collaboration with the California Conference of Directors of Environmental Health via bi-monthly meetings and other activities;
- Board sponsorship of the Enforcement Advisory Council (EAC), which meets before and after each set of Roundtable meetings to achieve coordinated, consistent statewide LEA enforcement programs by providing ongoing communication and a partnership between LEAs and the Board;
- an annual Board/LEA Conference, which provides specific training to meet current needs of LEAs and Board staff; the 8th Annual LEA/CIWMB Partnership Conference was held in May 2005. Nearly 300 attendees participated in technical sessions that ranged from “Fires in Solid Waste Piles” to “New LEA Orientation 101”.

Financial and Equipment:

- LEA Grants are provided by the Board in compliance with statute; the Board disburses \$1.4 million annually in non-competitive grant funds from its Integrated Waste Management Account. Common LEA uses for the grant money include equipment (vehicles, gas monitors, video and digital cameras, and computers), training, consultants, personnel costs and laboratory services;
- The LEA Equipment Loan Program assists LEAs by providing devices such as air monitoring instruments and any other available equipment as needed. In fiscal year 2005 /2006, over 40 LEAs borrowed scientific and technical instrumentation and equipment, and approximately 25 LEAs received one-on-one technical training.

B. Environmental Issues

Staff is unaware of any CEQA or cross-media environmental issues relating to this item.

C. Program/Long Term Impacts

The LEA Evaluation Program is an existing program. As such, the long-term impact is to continue to improve LEA performance.

D. Stakeholder Impacts

At the time this item was written, staff was not aware of any stakeholder issues or concerns.

E. Fiscal Impacts

Staff is not aware of specific significant fiscal impacts arising from this agenda item.

F. Legal Issues

Staff is not aware of specific significant legal impacts arising from this agenda item.

G. Environmental Justice

Staff is not aware of any environmental justice issues related to this agenda item.

H. 2001 Strategic Plan

VI. FUNDING INFORMATION

This item does not require any Board fiscal action

VII. ATTACHMENTS

1. Designation and Certification Process Flowchart
2. LEA Evaluation Process Flowchart
3. Process for Board Consideration of Actions Over LEAs
4. Triggers For LEA Assistance (Branch Responsibilities for LEA Performance Assistance Independent of Evaluation Cycle)
5. Third Cycle of LEA Evaluations Summary

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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Phone: (916) 341-6379

B. Legal Staff: Steve Levine

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C. Administration Staff: N/A

Phone: N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

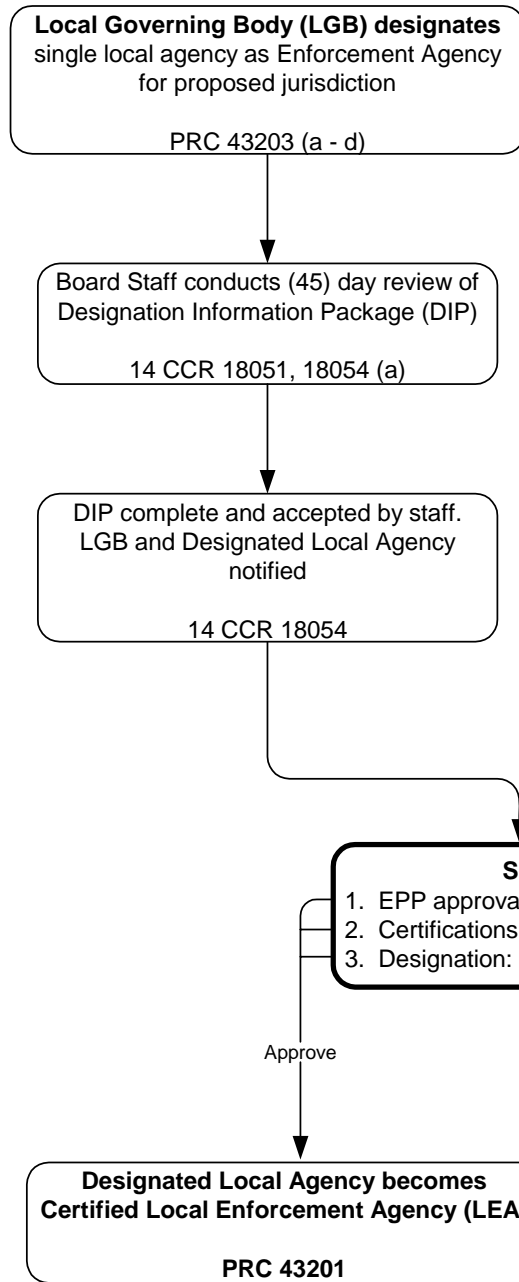
Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

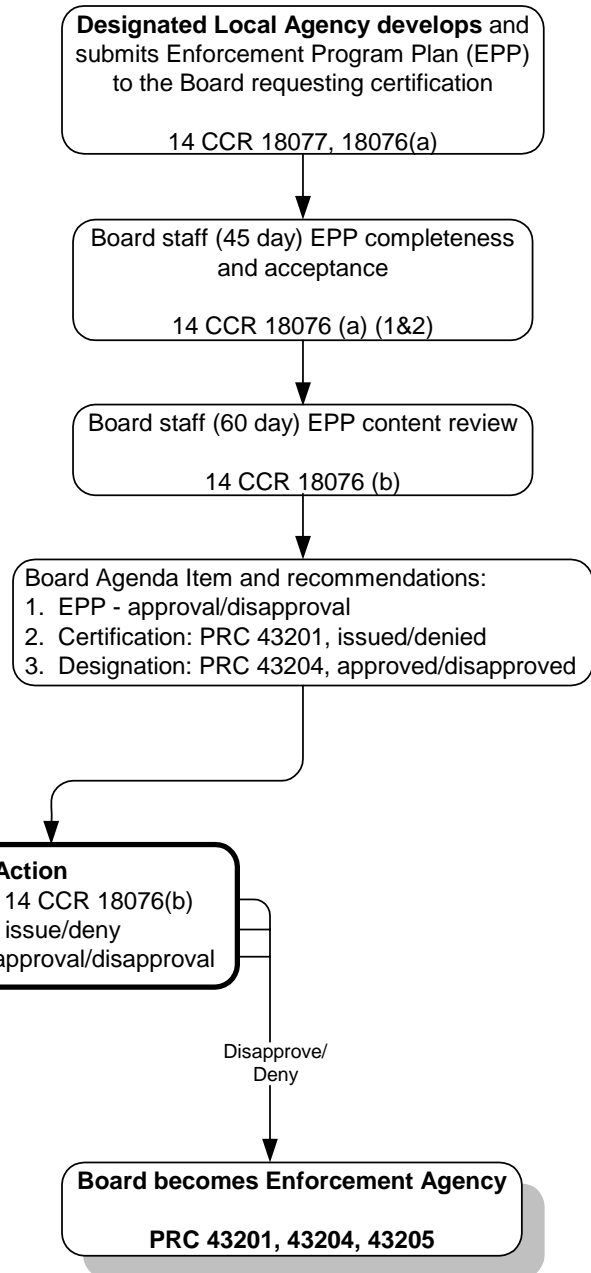
Staff had not received any written opposition at the time this item was submitted for publication.

DESIGNATION AND CERTIFICATION PROCESS

DESIGNATION



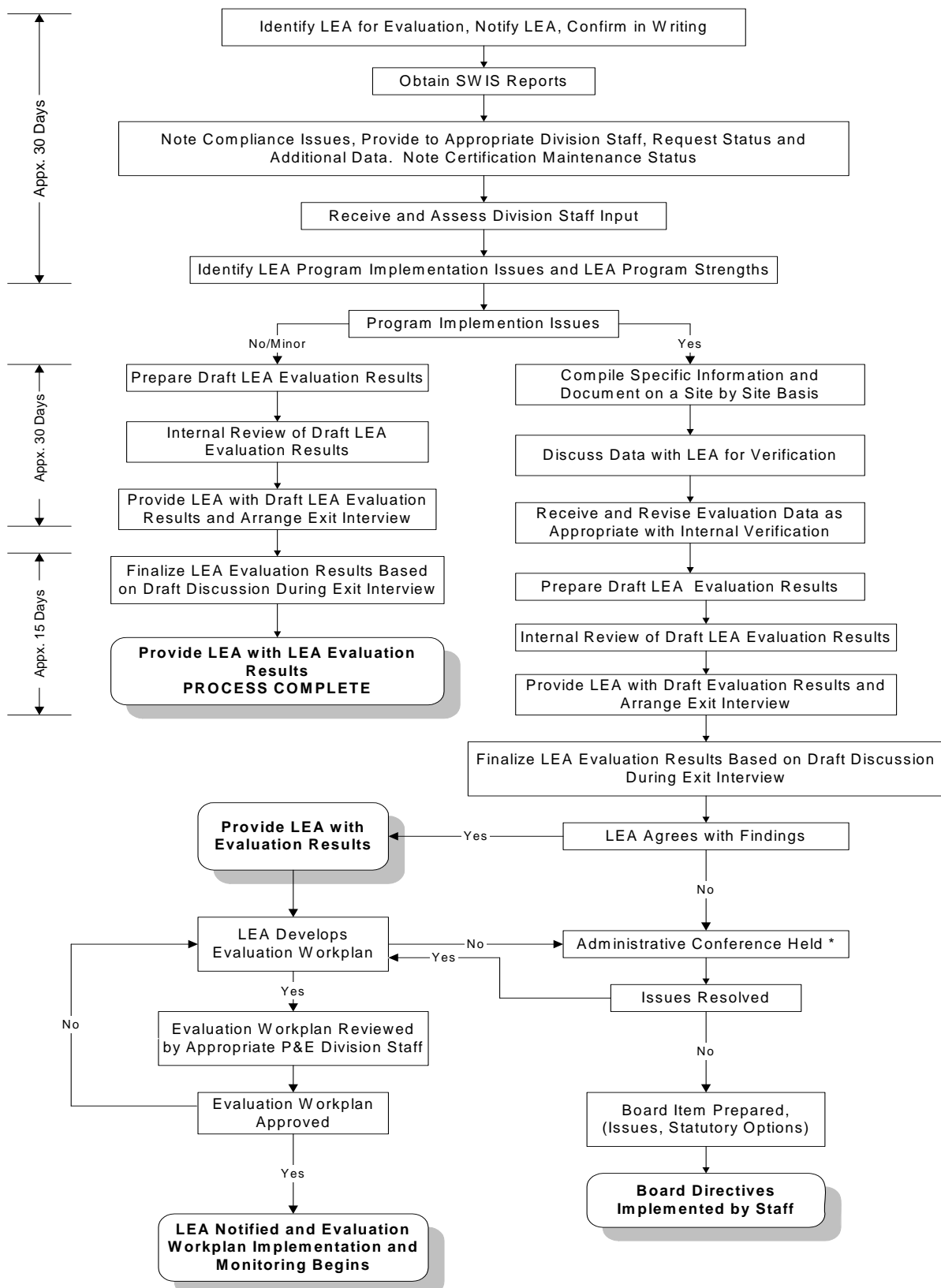
CERTIFICATION



For clarification, the terms “designation” and “certification” are used throughout this process. LEAs must first be designated locally. If the designated agency meets certification requirements, the Board approves that designation and certifies the LEA.

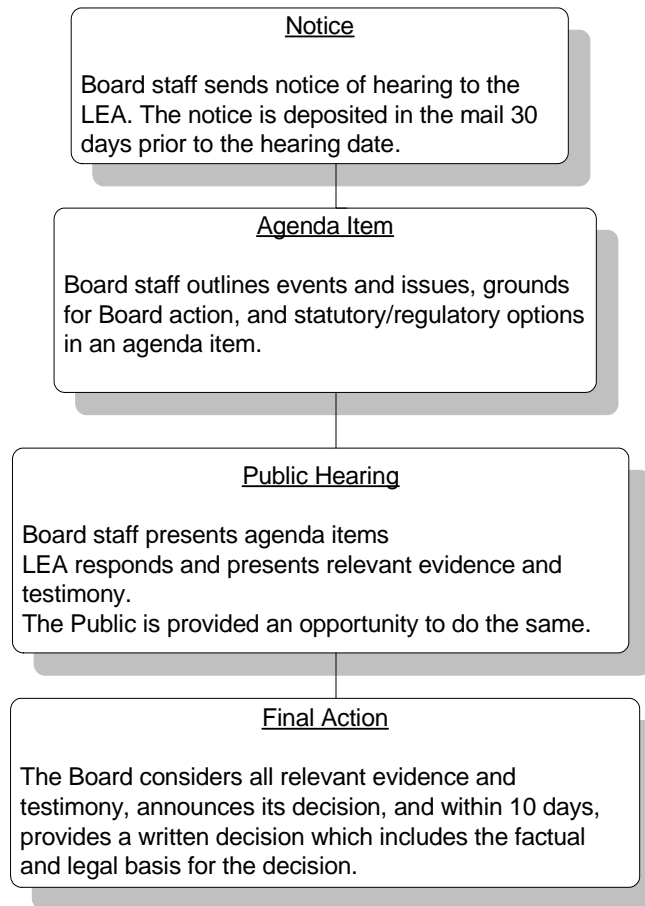
LEAs are agencies designated by their local governing body (Board of Supervisors or City Council). Public Resources Code (PRC), Section 43207 states that no local governmental department or agency, or any employee thereof, which is the operating unit for a solid waste handling or disposal operation shall be the enforcement agency, or an employee thereof, for the types of solid waste handling or disposal operation it conducts. LEA certification regulations (California Code of Regulations, Title 14, (14 CCR) Chapter 5, Article 1, Section 18011(15)) define “operating unit” as a local agency within the jurisdiction of the designating local governing body that operates, causes to operate, or administers contracts or agreements for any portion of a facility or solid waste handling and disposal system. Board LEA certification staff verifies that the agency designation precludes conflict of interest with local waste management entities (ownership and/or operation) in the manner required by statute and regulations. The designated agency must have experience in the enforcement of public health and environmental regulations. Prior to certifying an agency, the Board assesses designated agencies through a certification process spelled out in regulation (see reverse of this attachment). The regulatory assessment includes determination of staff adequacy, technical expertise, budget resources, training, and review and approval of an agency Enforcement Program Plan (EPP). All certification requirements must be maintained by LEAs and demonstrated through submittal of annual EPP updates.

LEA EVALUATION PROCESS

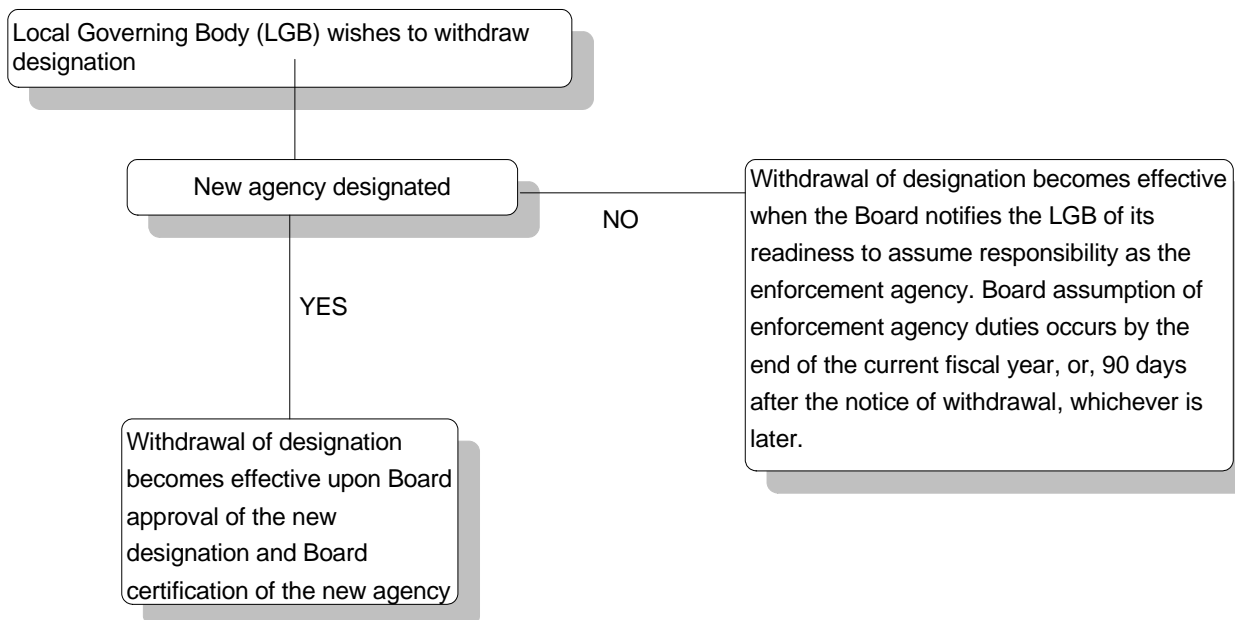


* An administrative conference is held to resolve any conflicts arising from a LEA evaluation or subsequent evaluation workplan monitoring

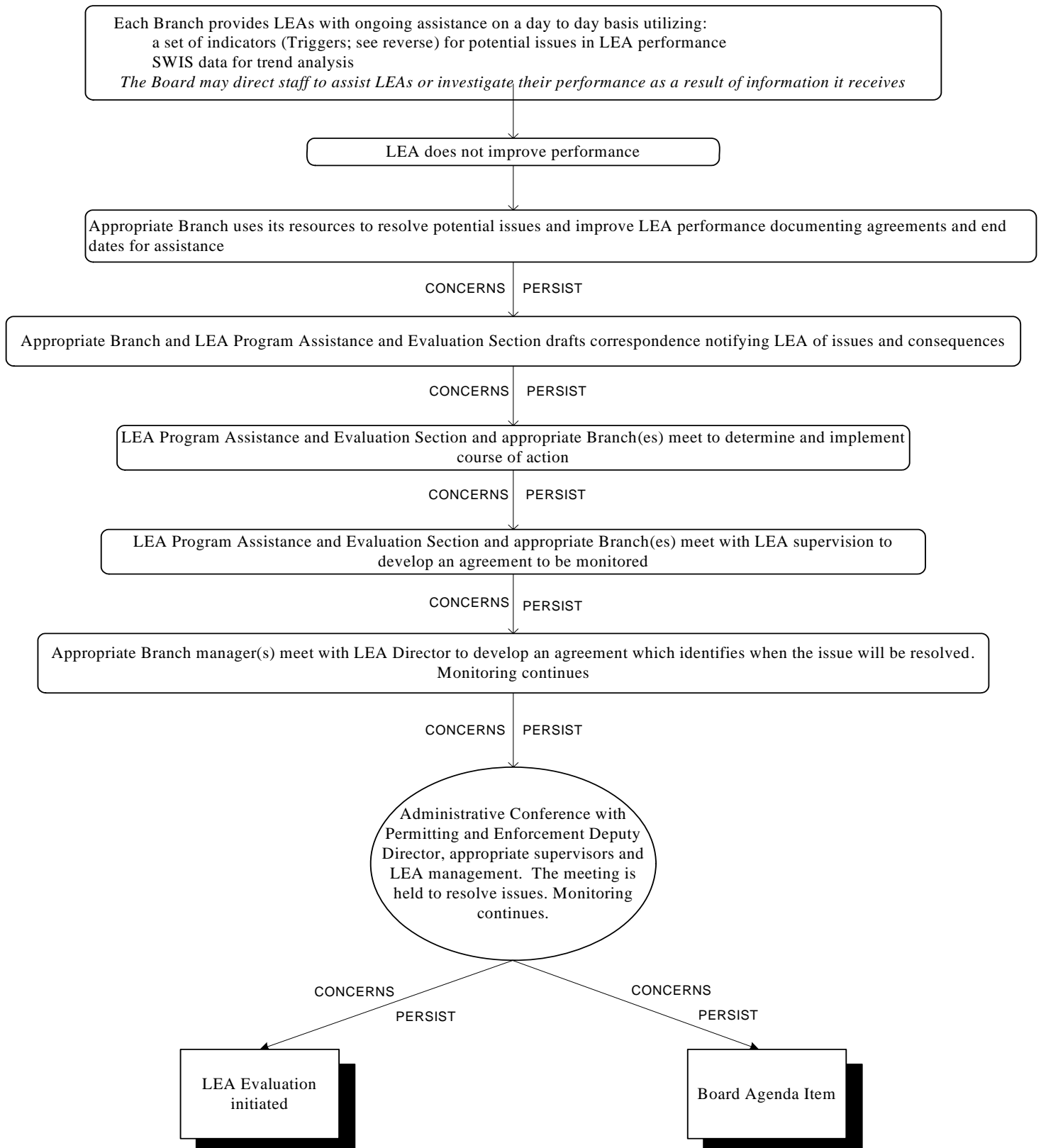
Process for Board Consideration of Actions Over Local Enforcement Agencies (14 CCR 18087)



Withdrawal of Designation Approval and/or Decertification



Branch Responsibilities for LEA Performance Assistance Independent of Evaluation Cycle



TRIGGERS FOR LOCAL ENFORCEMENT AGENCY ASSISTANCE

A. INSPECTION PROGRAM TRIGGERS

1. Are permitted, illegal, inactive, abandoned, and exempt sites inspected according to the required regulatory frequency?
2. Does the LEA send inspection reports to the CIWMB within 30 days?
3. Does the LEA represent inspections correctly?
4. Does the LEA fill out inspection forms correctly?
5. If there are written complaints, is the LEA following up appropriately?

B. ENFORCEMENT PROGRAM TRIGGERS

1. If any of the LEA's sites are on the Inventory, has the LEA issued a compliance schedule within 15 days and is following up appropriately?
2. The LEA may not be taking appropriate enforcement action.
3. Is the LEA writing enforcement orders correctly per CCR, Title 14, Section 18304?
4. Is the LEA enforcing orders?

C. PERMIT PROGRAM TRIGGERS

1. Is the LEA submitting complete and/or correct packages per CCR, Title 27, Section 21685 and for tiered permit process?
2. Are permit review reports and reissuances prepared adequately and submitted as required?
3. Is the LEA preparing and issuing permits/RFI amendments according to the time frames?
4. Is the LEA identifying and pursuing permits for active unpermitted facilities?
5. Is the LEA properly processing owner/operator changes and/or RFI amendments per CCR, Title 27, Sections 21665 and 21670?
6. Is the LEA pursuing permit revisions as identified in the permit review report or during inspections?
7. Is the LEA providing evidence of the required findings for permit/CEQA/RFI amendments correctly?

D. CLOSURE PROGRAM TRIGGERS

1. Have sites within the LEA's jurisdiction met applicable closure/postclosure requirements?
2. Are closed sites within the jurisdiction inspected quarterly or at an approved Site Identification Process (SIP) frequency?
3. Are any closed sites **not** maintaining compliance with closure/postclosure requirements as reported on closed site inspection forms?
4. Are appropriate enforcement actions taken for facilities not complying with closure regulations?
5. Are any sites in the LEA's jurisdiction listed for non-compliance with closure requirements?
6. Is the LEA assessing closed, illegal, and abandoned sites that need to be investigated?

E. CERTIFICATION PROGRAM TRIGGERS

1. Are there any changes in the designation or responsibility of an LEA that may result in a conflict of interest?
2. Is the LEA maintaining the staff technical expertise and levels identified in its EPP?
3. Does the current budget indicate adequate resources?
4. Is the EPP updated annually as required?
5. Are training requirements being met?
6. Is the EPP facility/site enumeration consistent with SWIS? If not, Certification staff will forward discrepancies to the appropriate Permitting and Inspection or Closure staff contacts to reconcile SWIS with the LEA's updated information.

NOTE: All P&E Division branches will coordinate issues. When assistance is given to the LEA by CIWMB staff other branch contacts are notified so that other issues can be coordinated (as needed) at the same time.

THIRD CYCLE OF LEA EVALUATIONS

Jurisdiction	Inspection Issues	Permit and Closure Issues	Enforcement Issues	Certification Maintenance Issues	Date Schedule/ Completion	Date Workplan Approved	Comments
Alameda County	None	3b,c	5	Hearing Panel	7/6/2005	In-Progress	EVALUATION WORKPLAN (Finding 3b)
Amador County					9/26/2005		IN-PROGRESS
Butte County	1b	NONE	NONE	Staffing	8/6/2004		FULFILLED DUTIES (Issue 1b)
Calaveras County	NONE	NONE	NONE	NONE	8/19/2004		FULFILLED DUTIES
City of Los Angeles					6/21/2004		IN-PROGRESS
City of Pittsburg	1b	NONE	NONE	NONE	10/22/2003		FULFILLED MOST DUTIES (Finding 1b)
City of San Diego	NONE	NONE	NONE	NONE	1/8/2004		FULFILLED DUTIES
City of San Jose					2/27/2006		IN-PROGRESS
City of Vernon	NONE	NONE	NONE	NONE	5/20/2004		FULFILLED DUTIES
City of West Covina	NONE	NONE	NONE	NONE	7/16/2003		FULFILLED DUTIES
Colusa County	NONE	NONE	NONE	NONE	11/15/2005		FULFILLED DUTIES
Contra Costa County	1b	NONE	NONE	NONE	9/23/2004		FULFILLED MOST DUTIES (Finding 1b)
Del Norte County	NONE	NONE	NONE	NONE	6/28/2004		FULFILLED DUTIES
El Dorado County	NONE	NONE	NONE	Hearing Panel	1/12/2006	In-Progress	EVALUATION WORKPLAN (Finding 6, hearing panel)
Fresno County					3/13/2006	2nd cycle 4/03	2nd Cycle Workplan Approved 4/03 SITE STATUS Clovis LF On-going monitoring LEA in compliance with last monitoring interval
Glenn County	NONE	NONE	NONE	NONE	6/17/2004		FULFILLED DUTIES
Humboldt County	NONE	3a	NONE	NONE	2/8/2005	3/05	EVALUATION WORKPLAN (Finding 3a) SITE STATUS Redway TS On-going LEA in compliance with last monitoring interval
Imperial County	NONE	NONE	NONE	NONE	4/6/2004		FULFILLED DUTIES
Inyo County	1a,b	3a,b	NONE	EPP Update	5/13/2005	In-Progress	EVALUATION WORKPLAN (Finding 3a,3b,EPP update)
Kern County	NONE	3a,b,c	5	Staffing	10/18/2005	In-Progress	EVALUATION WORKPLAN (Findings 3a,3b,3c,5,staffing)
Kings County	NONE	NONE	NONE	NONE	5/19/2004		FULFILLED DUTIES

THIRD CYCLE OF LEA EVALUATIONS

Jurisdiction	Inspection Issues	Permit and Closure Issues	Enforcement Issues	Certification Maintenance Issues	Date Schedule/ Completion	Date Workplan Approved	Comments
Lake County	1a, 1b	3a, 3b	NONE	Hearing Panel	5/19/2004	11/04	EVALUATION WORKPLAN (Findings 1a, 1b, 3a, 3b) SITE STATUS Eastlake SLF Complete Lakeport TS Complete Hearing Panel On-going LEA not in compliance with last monitoring interval
Lassen/Modoc/Plumas/Sierra	NONE	NONE	NONE	NONE	11/9/2005		FULFILLED DUTIES
Los Angeles County	1a,b	3a	NONE	NONE	9/27/2005	In-Progress	EVALUATION WORKPLAN (Finding 3a)
Madera County	NONE	3b	5	conflict of interest;staffing	9/27/2004	1/05	EVALUATION WORKPLAN (Finding 3b, 5) SITES: Fairmead TS, Mammoth TS & Conflict of Interest/Staffing STAUS: Workplan Complete December 2005
Mariposa County	NONE	NONE	NONE	NONE	6/21/2004		FULFILLED DUTIES
Marin County	NONE	NONE	NONE	NONE	8/17/2004		FULFILLED DUTIES
Mendocino County	NONE	3a	NONE	NONE	3/24/2004		FULFILLED MOST DUTIES (Finding 3a) (Permit Reviews completed during evaluation process; no workplan required)
Merced County					3/26/2006		Evaluation Workplan from outside cycle completed 11/2004
Mono/Alpine Counties					2/27/2006	2nd cycle 2/03	2nd Cycle Workplan Approved 2/03 (Finding 3b, 5) SITE STATUS Benton Crossing LF Complete Pumice Valley LF On-going LEA did not comply with Evaluation Workplan during 1st and 2nd monitoring interval; did comply with 3rd monitoring; did not comply with 4th monitoring
Monterey County	NONE	3c	5	None	1/20/2006	In-Progress	Evaluation Workplan (Finding 3c, 5)
Napa County	NONE	NONE	NONE	NONE	6/22/2004		FULFILLED DUTIES
Nevada County	1b	NONE	NONE	staffing	12/20/2004	3/05	EVALUATION WORKPLAN (Finding 1b) SITE: Closed Sites & Staffing STATUS: Workplan Complete September 2005
Orange County	NONE	NONE	NONE	NONE	10/22/2004		FULFILLED DUTIES
Placer County	NONE	NONE	5		3/29/2004	8/04	EVALUATION WORKPLAN (Finding 5) SITES: Dutch Flat Diggins; Auburn Landfill STATUS: Workplan Complete June 2005
Riverside County	NONE	3a, 3b	NONE	NONE	9/20/2004	12/04	EVALUATION WORKPLAN (Findings 3a, 3b) SITES: Edom Hill LF; Badlands LF STATUS: Workplan Complete December 2005
Sacramento County	NONE	NONE	NONE	NONE	12/23/2003		FULFILLED DUTIES
San Benito County	NONE	NONE	NONE	NONE	10/13/2004		FULFILLED DUTIES
San Bernardino County	NONE	NONE	5	NONE	5/27/2004	8/04	EVALUATION WORKPLAN (Finding 5 and 6) SITES: 7 Closed LFs, Vidal Junction, Waterman CIA STATUS: Workplan Complete February 2005

THIRD CYCLE OF LEA EVALUATIONS

Jurisdiction	Inspection Issues	Permit and Closure Issues	Enforcement Issues	Certification Maintenance Issues	Date Schedule/ Completion	Date Workplan Approved	Comments
San Diego County	NONE	NONE	5	NONE	5/5/2005	7/05	EVALUATION WORKPLAN (Finding 5) SITE STATUS Jacumba On-Going Warner Springs On-Going LEA in partial compliance with 1st monitoring interval
San Francisco County	1b	NONE	NONE	NONE	12/15/2003		FULFILLED MOST DUTIES (Finding 1b)
San Joaquin County	NONE	NONE	NONE	NONE	12/18/2003		FULFILLED DUTIES
San Mateo County	1b	NONE	NONE	NONE	5/17/2004		FULFILLED MOST DUTIES (Finding 1b)
Santa Barbara County	NONE	NONE	NONE	NONE	12/10/2003		FULFILLED DUTIES
Santa Clara County	NONE	NONE	NONE	NONE	10/15/2003		FULFILLED DUTIES
Shasta/Trinity County	NONE	3a	NONE	NONE	1/10/2005		FULFILLED MOST DUTIES (Finding 3a) (permit review completed during evaluation process; no workplan required)
Siskiyou County	1b	3b	NONE	NONE	12/22/2003	4/04	EVALUATION WORKPLAN (Findings 1b, 3b) STATUS: Workplan complete November 2004
Solano	NONE	NONE	NONE	NONE	5/19/2004		FULFILLED DUTIES
Sonoma	NONE	NONE	NONE	NONE	5/24/2004		FULFILLED DUTIES
Tehama County					3/6/2006		IN PROGRESS
Tulare County	NONE	NONE	NONE	Hearing Panel	1/6/2005	3/05	EVALUATION WORKPLAN (Hearing panel) STATUS: Workplan Complete May 2005
Tuolumne	NONE	NONE	NONE	NONE	8/21/2003		FULFILLED DUTIES
Ventura County	NONE	NONE	NONE	NONE	8/28/2003		FULFILLED DUTIES
Yolo County					2/20/2006		IN PROGRESS
Yuba/Sutter Counties	NONE	NONE	NONE	NONE	1/5/2005		FULFILLED DUTIES
CIWMB EA Section	NONE	NONE	NONE	NONE	1/23/2005		FULFILLED DUTIES
56 total							
	1. The LEA has failed to exercise due diligence in inspection solid waste facilities and disposal sites: a) active/permitted, b) closed, c) exempt, d) inactive, e) illegal						
	2. The LEA has intentionally misrepresented the results of inspections.						
	3. The LEA has failed to prepare or cause to be prepared permits, permit revisions, or closure and postclosure maintenance plans						
	a) Permit Review Reports, b) Permits, Permit Revisions/Modifications, c) Closure/Postclosure plans.						
	4. The LEA has approved permits, permit revisions, or closure and postclosure maintenance plans which are inconsistent with statute.						
	5. The LEA has failed to take appropriate enforcement action.						
	6. The LEA has failed to comply with, or has taken actions that are inconsistent with, or that are not authorized by statute and regulations.						
Definitions							
	Fulfilled Duties: No negative findings were made with respect to six statutory evaluation criteria. However, a minor issue may exist that can be corrected.						
	Fulfilled Most Duties: The LEA failed to perform required inspections or minor deficiency addressed during evaluation process. No workplan necessary.						
	Evaluation Workplan: Evaluation staff identified program deficiencies. LEA required to develop workplan to correct deficiencies.						
	In Progress: LEA currently undergoing evaluation						

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 7

ITEM

Consideration Of Scope Of Work And Contractor For The 2007 Used Oil Recycling/Household Hazardous Waste Conference (Used Oil Recycling Fund, FY 2005/06)

I. ISSUE/PROBLEM STATEMENT

This Agenda Item requests the California Integrated Waste Management Board's (Board) consideration of the Scope of Work (SOW) and Contractor for a contract, not to exceed \$90,000, for planning and coordination of the 2007 Conference to be held in Southern California. The statewide Conference will foster the sharing of information, regional partnerships and networking essential to the growth and continued success of the Used Oil Recycling/Household Hazardous Waste (HHW) Programs.

II. ITEM HISTORY

At the January 17, 2006 Board Meeting, the Board approved the Used Oil Recycling Fund Allocation Item. In the Item, the Board Members had discretion over \$809,000 of the line item for Education/Outreach Activities. The Board allocated \$90,000 for the Annual Used Oil/HHW 2007 Conference (Fiscal Year (FY) 2005/06 Used Oil Recycling Fund, Contract Concept Number 2005-O-2).

III. OPTIONS FOR THE BOARD

1. Approve the proposed SOW and Contractor for the 2007 Used Oil Recycling/HHW Conference and adopt Resolution Number 2006-44.
2. Approve the proposed SOW with specific changes, approve the Contractor and adopt Resolution Number 2006-44.
3. Disapprove the proposed SOW and/or Contractor and Resolution Number 2006-44, and provide staff with input to present this Item to the Board at a future meeting.

IV. STAFF RECOMMENDATION

Staff recommends Option 1: Approve the proposed SOW and Contractor for the 2007 Used Oil Recycling/HHW Conference and adopt Resolution Number 2006-44.

V. ANALYSIS

A. Key Issues and Findings

In March 2004, the Board held the first combined conference of the Used Oil Recycling and HHW Program, sponsored jointly and working in partnership with the Board and the Department of Toxic Substance Control (DTSC). The combined conference of the two programs was positively received by the attendees. For many years, the conferences have been important components of the Used Oil/HHW Programs' efforts to support local government grantees and non-profit organizations that implement used oil and HHW programs.

Together with training workshops, on-line newsletters, and e-mail information updates provided by Board staff, the annual conferences have provided a consistent method for grant managers to share information and receive technical assistance. Previous conferences have been well attended and have received excellent evaluations from attendees for the information received and the networking opportunities provided during the events.

Working with Board staff, who will bring programmatic expertise to the planning of the event, the SOW requires the Contractor to plan and coordinate the 2007 combined Used Oil Recycling/HHW Conference. Tasks include, but are not limited to, handling the logistics associated with location, hotel accommodations, registration, mailings and materials development and printing. The scope has been refined and updated based on the experience of Board staff managing the previous Agreement.

Staff recommends contracting with California State University, Sacramento (CSUS) for the planning and coordination of the 2007 Used Oil Recycling/HHW Conference. CSUS has experience working with the Board on this and other conference projects. In particular, CSUS is the current Contractor for the 2006 Used Oil Recycling/HHW Conference.

B. Environmental Issues

In evaluating potential facilities, the Contractor will only consider facilities that follow waste management principles that encourage the minimization, reuse and recycling of waste, procurement of recycled-content products and development of energy efficient operations. The facility should participate in any “green hotels” or “green building” networks available, or at least demonstrate a support of these principles.

C. Program/Long Term Impacts

The Board will continue the combining of the Used Oil Recycling/HHW Conference for the following reasons:

- It creates efficiency and cost savings for the Board and the attendees. A major resource savings for the Board is realized because Board staff does not have to plan, organize, and attend two major conferences annually. Attendees would also realize a cost savings because they only need to attend one event.
- The combined Conference achieves the goals and benefits that resulted from the separate conferences, but in a more efficient and effective forum.
- It promotes the collaborative efforts of state agencies since the conference is co-sponsored by DTSC.
- It encourages the sharing of interdisciplinary information among the attendees.

D. Stakeholder Impacts

The 2007 Used Oil Recycling/HHW Conference is proposed to be a three (3) day conference, plus two (2) days of technical classroom training. The location of the combined Conference alternates between Northern and Southern California each year, with the 2007 Conference scheduled for Southern California. Staff estimates approximately 250 registrants will participate in the 2007 Conference. Speakers will be recruited from local governments, state agencies, and businesses involved in used oil recycling and HHW programs. Additionally, vendor exhibits will be provided.

The target audience for attendance at the conference will be Local Government Used Oil Program managers, HHW Program managers, non-profit agency representatives, used oil recycling industry leaders, businesspeople offering new technologies and products that support used oil and filter recycling, and staff from other CalEPA agencies. The conference is designed to foster the sharing of information among all interested parties working on used oil recycling/HHW programs in California, thereby creating new opportunities for the expansion and promotion of local used oil recycling/HHW programs designed to reduce the illegal disposal of used oil/HHW products.

E. Fiscal Impacts

Implementing this SOW would require \$90,000 in Consulting and Professional Services funds from the Used Oil Recycling Fund (FY 2005/06).

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this Item.

G. Environmental Justice

The terms and conditions of the contract include a provision requiring the Contractor to abide by the principles of environmental justice. The Contractor shall conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the State.

H. 2001 Strategic Plan

Under the Board's 2001 Strategic Plan, the proposed Contract supports Goals 1, 2, and 3.

Goal 1 was adopted to increase participation in resource conservation, integrated waste management, waste prevention, product stewardship, and manufacturer responsibility to reduce waste and create a sustainable infrastructure. In addition to modeling best practices for waste management, the subject forum will directly educate the public, private sector, and government about product stewardship and responsible consumerism (**Strategy 6**).

Goal 2 was adopted to assist in the creation and expansion of sustainable markets to support diversion efforts and ensure that diverted materials return to the economic mainstream. Although not included in the calculation of waste diversion, the Board's efforts in the areas of used oil management and re-refined oil markets are consistent with and support this goal.

Goal 3 was adopted to educate the public to better understand and participate in resource conservation and integrated waste management strategies. The information passed on to local governments at the subject forum will improve the programs these local jurisdictions conduct to educate the public about the proper handling and management of used oil, household hazardous waste and other automotive wastes.

With the combining of the two annual conferences into one major conference, it is critical that the planning process begin as soon as possible. To allow for adequate time to prepare a complete conference program by the 2007 target date, a contract agreement must be entered into as soon as possible. The anticipated project start date is May 2006.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Used Oil Recycling Fund	\$90,000	\$90,000	\$0	Consulting and Professional Services

VII. ATTACHMENTS

1. Scope of Work for the 2007 Used Oil Recycling/Household Hazardous Waste Annual Conference
2. Resolution Number 2006-44

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Cynthia Dunn	Phone: (916) 341-6449
B. Legal Staff: Holly B. Armstrong	Phone: (916) 341-6060
C. Administration Staff: Carol Baker	Phone: (916) 341-6105
Elsie Brenneman	(916) 341-6178
Rosita Polo	(916) 341-6096

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this Item was submitted for publication.

B. Opposition

Staff had not received any opposition at the time this Item was submitted for publication.

California Integrated Waste Management Board

SCOPE OF WORK

The 2007 Used Oil Recycling/Household Hazardous Waste Conference

- I. OBJECTIVES:** The purpose of this contract is for the Contractor to plan, together with the California Integrated Waste Management Board (Board) and the Department of Toxic Substances Control (DTSC) staff, the 2007 Used Oil Recycling/Household Hazardous Waste (HHW) Conference (Conference), scheduled to be held in a Southern California location. The purpose of the Conference is to promote a sharing of information between Board staff, local government representatives, recycling, oil collection and HHW contractors, and non-profit entities working on used oil recycling programs in California. This Conference will provide networking opportunities for participants and relevant information on used oil recycling and HHW program issues, highlighting current research; new technologies; model programs; grant procedures; legislative, regulatory, and policy initiatives; and training for grantees.
- II. WORK TO BE PERFORMED:** The Contractor will plan and coordinate the Conference in partnership with the Board's Contract Manager (Contract Manager).

The conference shall have the following characteristics:

- Be five days in length and be held in the Southern California region;
- Accommodate up to 300 registrants, including speakers;

The contractor shall perform the following duties:

- Coordinate the meetings of each of the subcommittees to be determined by the Contract Manager. The subcommittees are groups of individuals who will focus on certain aspects of the Conference. For example, the subcommittees may include, but are not limited to, the program subcommittee, speakers subcommittee, vendor subcommittee, etc;
- Assist the subcommittees in the planning, implementation, and execution of the Conference;
- Coordinate both individual presentations and interactive workgroups;
- Coordinate the interaction of various subcommittees with vendors, sponsors, and facility management;
- Provide a vendor exhibit and product display program for up to 30 exhibitors;
- Provide for a display area for local governments and non-profit entities to showcase their materials and programs; and
- Provide for a small meeting and exhibit area for Board staff throughout the Conference.

The Contractor will conduct all conference activities and require all subcontractors, vendors or service providers to utilize best waste management practices, including the reduction of waste generation, use of recycled-content products, and proper reuse and recycling of all waste streams generated while preparing and conducting the forum. The Contractor will also require vendors to model similar practices in the exhibit area. Further, the Contractor will advocate and model energy efficiency to all subcontractors and service providers and design the vendor exhibits in an energy efficient manner.

III. TASKS TO BE COMPLETED: The Contractor will complete the following tasks. All tasks are subject to the Contract Manager's approval.

1. **SECURE A FACILITY FOR THE EVENT** - The Contractor will identify several potential locations in Southern California for the event, accessible to attendees and vendors. The Contractor will outline the potential locations identifying all potential costs, space available, lodging costs and amenities for attendees, benefits of each location and concerns. In evaluating potential facilities, the Contractor will only consider facilities that follow waste management principles that encourage the minimization, reuse and recycling of waste, procurement of recycled-content products and development of energy efficient operations. The facility should participate in any "green hotels" or "green building" networks available, or at least demonstrate a support of these principles. Selection of a final facility will be approved in writing by the Contract Manager. After selection, the Contractor will enter into a contract with the facility, on the Board's behalf.
2. **DEVELOP CONTENT AND STRUCTURE OF THE CONFERENCE** - In consultation with the Contract Manager, the Contractor will assist the subcommittees in developing a conference design to foster networking, large group and small group discussions, effective time with vendors, and concurrent tracks which meet the needs of the diverse group of attendees.
3. **COORDINATE CONFERENCE LOGISTICS** – The Contractor will make all facility arrangements including, but not limited to, assessing meeting room needs, making arrangements for room set-up, providing signage for identification and direction, arranging meals [to be paid for through conference registration fees and (potentially) sponsorship], and providing for audio/visual requirements. In coordinating these details, the Contractor will work with the proposed facility to assure the facility follows waste management principles that encourage the minimization, reuse and recycling of waste, procurement of recycled-content products and development of energy efficient operations. The Contractor will also work with the subcommittee in arranging, promoting, and coordinating social events during the Conference.
4. **DESIGN CONFERENCE GRAPHICS** - The Contractor will work with the Contract Manager, subcommittee, and Board Graphics staff to design a consistent graphic image for all Conference materials. This design will be used on Conference registration materials for attendees and vendors, websites, printed session materials, nametags, forum guide, and all signage for the event.

5. **COORDINATE SPEAKER PARTICIPATION** - The Contractor will contact speakers designated by Board staff and subcommittees. The Contract Manager will provide names and contact information. If additional speakers are needed, the Contractor shall develop a list of potential speakers, contact the speakers, and negotiate appearances of speakers. The Contractor, with the assistance of the Contract Manager, will contact a small number of local government and non-profit grant recipients, and other Board contacts to solicit speakers. The Contractor shall compile and submit copies of all abstracts received to the Contact Manager for speaker selection. The Contractor will request biographies, abstracts, and supporting materials for all presentations and coordinate the completion of these items directly with speakers.
6. **DEVELOP AND DISTRIBUTE CONFERENCE ANNOUNCEMENTS AND REGISTRATION MATERIALS** - The Contractor will provide announcements of the conference at least twelve (12) weeks prior to the event and registration materials at least eight (8) weeks prior to the event. The Contractor shall deliver all registration materials and update information via e-mail or U.S. mail (as needed). The Contractor shall also have available registration information online with links established from the Contractor's website and Board website to reduce resource use, waste, and costs. Contract Manager must approve any changes to the website, address, or links.
7. **COORDINATE THE REGISTRATION OF ALL ATTENDEES AND SPEAKERS** - The Contractor will receive and process all registrations for the event, ensuring that all attendees and speakers have provided adequate information for tracking and evaluation. Contractor will confirm in writing the registration of all attendees two (2) weeks prior to the Conference. The Contractor will keep the Contract Manager informed of the status of registration and track attendees by jurisdiction on a weekly basis for follow-up prior to the event.
8. **COORDINATE VENDOR PARTICIPATION** - The Contractor will contact vendors for participation in the vendor exhibit. Contact lists and information will be provided by Board staff. If a vendor should sponsor an event, the Contractor will assist in promoting and informing the participants of the event. The Contractor will work with each recommended vendor to develop a full exhibit with a balance of types of business represented. Contractor will develop ad space in the forum guide for vendors and coordinate the receipt of acceptable ad copy from each exhibitor. All information regarding registration, travel, shipping, and set-up arrangements will be provided to the vendors by the Contractor.
9. **CONFIRM SPEAKERS, MODERATORS, ROOM MONITORS, ATTENDEES, AND VENDORS PARTICIPATION** - The Contractor will develop a confirmation packet of information to be approved by the Contract Manager and sent to all participants two (2) weeks prior to the conference.
 - For attendees, this will include information that will assist the participants in their own arrangements, such as parking and shuttle availability. (Individual attendees are responsible for their own travel arrangements and costs.)

- For dignitaries and speakers, this confirmation will include copies of all information provided, such as biographies and session summaries. The packet will also confirm any travel arrangements coordinated by Contractor's staff and any fee reduction provided.
- For moderators and room monitors, this confirmation will include copies of all information provided, such as biographies and session summaries of the sessions for which they are responsible as moderators or room monitors. Contractor shall also provide training on the responsibilities of moderators and room monitors.
- For vendors, this confirmation will include registration information of all representatives, exhibit set-up guidelines, shipping arrangements, clean-up responsibilities, and transportation issues specific to the exhibit, as well as ad copy for the guide.

The Contractor will provide a confirmation packet to confirm in writing the registration of each of the attendees, vendors, speakers and guests. The confirmation notice and packet will include information specific to their role in the conference.

10. **SOLICIT GRANTEE ATTENDANCE** - Three (3) weeks prior to the event, the Contractor will phone a representative of each Used Oil Block Grant lead jurisdiction and active non-profit agency grantee that does not already have a representative registered, to increase registration. Contractor will document each contact and response and submit these to the Contract Manager for review and additional direction.
11. **DEVELOP CONFERENCE GUIDE AND MATERIALS** - The Contractor shall develop a draft of the Conference guide, including session descriptions and evaluation forms, advertisements, attendees list, and general layout for review by the Contract Manager no less than four (4) weeks prior to the event. The final version of the guide and any other written materials will be approved by the Contract Manager before printing. Contractor will arrange for the printing and shipping of all Conference materials with an emphasis on minimizing the volume of paper generated.
12. **MONITOR AND CONFIRM ALL FACILITY ARRANGEMENTS** - Contractor will check at least twice each week that all information being provided to Conference participants by the hotel or Conference facility is accurate, and that all room block arrangements are in place. Contractor will confirm all room set-up, food, audio-visual and other facility arrangements and review all details with the Contract Manager two weeks prior to the event and again one to two days prior to the event.
13. **PROVIDE ON-SITE COORDINATION DURING THE CONFERENCE** - The Contractor will coordinate all activities during the event, including registration and check-in, vendor support, audio-visual set-up, and catering follow-up. The Contractor will act as the point of contact for facility personnel for any issues that arise during the course of the Conference.

- 14. PUBLISH AND DISTRIBUTE CONFERENCE PROCEEDINGS** - The Contractor will compile presentation materials, session information, and notes and handouts for distribution online and in hard copy format. This information shall also be reproduced onto a CD. The materials contained on the CD shall be organized with the proper title and session block, and distributed to Conference participants.
- 15. COMPLETE A FINAL REPORT OF THE CONFERENCE** - Using the session evaluation forms approved by the Contract Manager and completed by Conference attendees, the Contractor will evaluate the audience response to each session. The Contractor will also evaluate the overall forum, including the registration process, facility, and follow-up by Board and Contractor staff. The Contractor will contact each vendor directly to assess their participation in the event and any suggestions for improvement. The Contractor will prepare a report containing the following:
- Summary of sessions and overall evaluation and an analysis of the results;
 - Vendor's assessment of the Conference based on personal contact after the Conference;
 - Contractor's assessment of the Conference and recommended changes for future conferences;
 - Summary of the results of the following Conference evaluations: 1) Conference training evaluation, 2) individual Conference session evaluation, and 3) overall Conference evaluation, including all issues, concerns, criticisms, recommendations of session attendees. Contractor will work with Contract Manager to develop all Conference evaluation content;
 - Spreadsheet summarizing number and type of attendees (such as local jurisdictions, used oil program, HHW program, vendors); amount of funding received (from registration or sponsorship); list of participants with name, organization, address, phone number, and e-mail address in an Excel spreadsheet;
 - A CD, organized by Conference session that includes all speakers' presentation material, session information, notes, and handouts distributed during the Conference;
 - Contractor will prepare and mail certificates of appreciation to all speakers, vendors and others as identified by the Contract Manager.

IV. TIME LINE (Changes to this timeline are subject to the prior written approval of the Contract Manager.)

Task 1	Secure A Facility For The Event	May 2006
Task 2	Develop Content And Structure Of The Conference	Aug 2006
Task 3	Coordinate Conference Logistics (starting dates)	Aug/Sept 2006
Task 4	Design Conference Graphics	Sept 2006
Task 5	Coordinate Speaker Participation	Oct 2006
Task 6	Develop and Distribute Announcements & Registration Material	Oct 2006

Task 7	Coordinate Registration Of Attendees And Speakers	Oct-Feb 2006/07
Task 8	Coordinate Vendor Participation	Oct-Feb 2006/07
Task 9	Confirm Speakers, Moderators, Attendees, and Vendors Participation	Jan 2007
Task 10	Solicit Grantee Attendance	Jan 2007
Task 11	Develop Conference Guide And Materials	Oct-Feb 2006/07
Task 12	Monitor and Confirm Facility Arrangements	Nov/Dec 2006
Task 13	Provide On-Site Coordination During the Conference	Mar 2007
Task 14	Publish & Distribute Conference Proceedings	Jan-Mar 2007
Task 15	Complete And Submit A Final Report Of The Conference	May 2007

The following provisions will be included in the Terms and Conditions or Special Terms and Conditions of the Contract:

V. COPYRIGHTS AND TRADEMARKS

Contractor shall establish for the Board good title in all copyrightable and trademarkable materials developed as a result of this Scope of Work. Such title shall include exclusive copyrights and trademarks in the name of the State of California, California Integrated Waste Management Board.

VI. WASTE REDUCTION AND RECYCLED-CONTENT PRODUCT PROCUREMENT

In the performance of this Agreement, the Contractor shall use recycled-content, used or reusable products, and practice other waste reduction measures where feasible and appropriate.

Recycled-Content Products: In the performance of this Agreement, the Contractor shall purchase used and/or recycled-content products as set forth on the back of the Recycled-Content Certification Form (BOARD #74C) available at <http://www.ciwmb.ca.gov/Contracts/Forms/>. All recycled-content products purchased or charged/billed to the Board that are printed upon, including but not limited to, promotional items, publications, written materials, and educational brochures, shall have both the total recycled-content (TRC) and the postconsumer content (PC) clearly printed on them. For assistance in locating recycled-content products, please search the recycled-content product database available at: www.ciwmb.ca.gov/RCP. If, after searching the database, the Contractor is unable to find recycled-content products, please notify the Board's Contract Manager for assistance.

Contractor should, at a minimum, ensure that the following issues are addressed:

A. WRITTEN DOCUMENT PROVISION

All documents and/or reports shall be printed double-sided on recycled-content paper containing one hundred percent (100%) post-consumer fiber. Specific pages containing full color photographs or other ink-intensive graphics may be printed on photographic paper. The paper should identify the postconsumer content of the paper (i.e., "printed on 100% postconsumer paper").

When applicable, Contractor shall provide the Contract Manager with an electronic copy of the document and/or report for the Board's uses. When appropriate, as determined by the Contract Manager, only an electronic copy of the document and/or report shall be submitted, and no hard copy shall be provided.

To the greatest extent possible, soy ink instead of petroleum-based inks should be used to print all documents.

B. CONFERENCING PROVISION

The Contractor shall take any and all steps necessary to make sure that the Event is a model for future recycling, waste prevention, diversion, buy recycled, and waste management events.

Paper Products: All paper products used to fulfill the requirements of this contract (nametags, badges, letters, envelopes, brochures, etc.) shall be printed double-sided on recycled-content paper containing one hundred percent (100%) post-consumer fiber. Specific pages containing full color photographs or other ink-intensive graphics may be printed on photographic paper.

The paper used for written documents should identify the postconsumer recycled content of the paper (i.e., "printed on 100% postconsumer paper"). When applicable, the Contractor shall provide the Contract Manager with an electronic copy of the document and/or report for the Board's uses. When appropriate, as determined by the Contract Manager, only an electronic copy of the document and/or report shall be submitted and no hard copy shall be provided.

Soy-based Printing Ink: To the greatest extent possible, soy ink instead of petroleum-based inks should be used to print all documents needed for the event.

Re-usable Cups, Plates & Utensils: To the greatest extent possible, the Contractor shall use re-usable/washable utensils, dishes, tableware, etc. rather than single-use disposable products. If re-usable products cannot be used, compostable products shall be used.

Leftover Food/Beverages: All leftover food and/or beverages associated with the event shall be donated to an established food donation outlet. Arrangements for the donation must be made prior to the date of the event. Board staff will assist the Contractor in identifying these donation outlets, if needed.

Recycling/Composting: Arrangements must be made with the venue, sponsor, or by contract, to provide adequate collection bins for recyclables, organics (food waste) or biodegradable materials, and trash (non-recyclables). The bins should contain at least 30% postconsumer material. In addition, the Contractor shall work with the venue and/or sponsors to maximize diversion of the discarded materials.

VII. DOCUMENTS FOR PUBLICATION

All documents and/or reports drafted for publication pursuant to this Agreement shall adhere to the Board's *Guidelines For Preparing CIWMB Reports* (available upon request) and shall be reviewed by the Board's Contract Manager in consultation with the a Board editor.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-44

Consideration Of Scope Of Work And Contractor For The 2007 Used Oil Recycling/Household Hazardous Waste Conference (Used Oil Recycling Fund, FY 2005/06)

WHEREAS, pursuant to Public Resources Code (PRC) Sections 47100 et seq. and PRC Sections 48600 et seq., the California Integrated Waste Management Board (Board) operates Used Oil Recycling and Household Hazardous Waste (HHW) Programs in order to promote conservation of resources and preservation of the environment; and

WHEREAS, PRC Section 48631-(c) requires the Board to implement an information and education program for the promotion of alternatives to the illegal disposal of used oil; and

WHEREAS, PRC Section 47103 requires the Board to provide technical assistance to local governments and other agencies that establish HHW management programs; and

WHEREAS, as one component of the Board's outreach efforts, the 2007 Used Oil Recycling/HHW Conference will promote the sharing of information and resources that support local government and statewide Used Oil Recycling/HHW Programs; and

WHEREAS, at its January 17, 2006 meeting, the Board allocated \$90,000 to the 2007 Used Oil Recycling/HHW Conference; and

WHEREAS, a Scope of Work has been developed which will provide for the planning and coordination of the 2007 Used Oil Recycling/HHW Conference; and

WHEREAS, California State University, Sacramento has been selected as the Contractor, based on its experience with coordinating and planning this type of conference and, specifically, its past performance is planning and coordinating the Used Oil Recycling/HHW Conference.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the Scope of Work for the 2007 Used Oil Recycling/HHW Conference, and approves California State University, Sacramento as the Contractor to perform the work specified in the Scope of Work.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 8 (Revised)

ITEM

Consideration Of The Issuance Of A Major Waste Tire Facility Permit To Tri-C Tire Recycling, Inc., Sacramento County

I. ISSUE/PROBLEM STATEMENT

Pursuant to Title 14, California Code of Regulations (CCR), Section 18425, the California Integrated Waste Management Board (Board) has 180 calendar days from the date an application is accepted as complete to either issue or deny the issuance of the permit. This application was accepted as complete on February 2, 2006; therefore, the Board is required to act by August 3, 2006.

II. ITEM HISTORY

On September 20, 2002, Tri-C Tire Recycling, Inc. (applicant) was issued a minor waste tire facility permit allowing 4,999 waste tires to be stored on its premises, and is currently operating under that permit at 8588 Thys Court, Sacramento.

Recent Compliance History: The chart below shows that the operator has intermittently exceeded their permitted capacity over the past year. Staff has been working with the operator to maintain compliance while the operator proceeded with the major waste tire facility permit application process. Issuance of this permit should make it easier for the operator to maintain compliance.

Date Of Inspection	Status of Facility	Violations
2/02/05	Compliance	NONE
5/26/05	Violation	PRC ¹ 42834; 16,040 tires; 14 CCR ² 17354; NOV ³ issued
6/13/05	Compliance	NONE
7/28/05	Violation	PRC 42834; 10,536 tires; 14 CCR 17354; NOV issued
9/20/05	Compliance	NONE
12/02/05	Violation	PRC 42834; 8,230 tires; NOV issued
2/02/06	Compliance	NONE

1 Public Resources Code

2 Title 14, California Code of Regulations

3 Notice of Violation

III. OPTIONS FOR THE BOARD

The Board may decide to do one of the following:

1. Approve and issue the major waste tire facility permit; or
2. Deny the issuance of the permit.

IV. STAFF RECOMMENDATION

Staff recommends option one, the approval and issuance of the permit.

V. ANALYSIS

A. Key Issues and Findings

Facility Name:	Tri-C Tire Recycling, Inc.
Facility No.:	34-TI-0598
TPID No.:	1005559
Operational Status:	Active, Minor Waste Tire Facility Permit
Permit Limit:	4,999 waste tires/passenger tire equivalents
Proposed Limit:	10,500 waste tires/passenger tire equivalents
Facility Location:	8588 Thys Court, Sacramento, Sacramento County
Setting:	4.75 Acres, Urban, Zoned "M-2S" Heavy Industrial, RMDZ
Property Owner:	Mr. Gary Matranga
Operator:	Tri-C Tire Recycling Inc., General Manager, Mark Korte
Enforcement Grantee:	Sacramento County Environmental Health

Background:

Tri-C Tire Recycling Inc. facility is located at 8588 Thys Court in a heavy industrial zone in the Sacramento Recycling Market Development Zone and the existing Enterprise Zone, known as the Florin-Perkins area. Tire recycling operations have been conducted at this location since 1996. The previous operator, Total Tire Recycling, LLC operated a major waste tire facility at this location that allowed the storage of up to 10,500 waste tires.

On September 20, 2002, Tri-C Tire Recycling Inc. was issued a minor waste tire facility permit allowing the storage of up to 4,999 waste tires. Tri-C Tire Recycling Inc. planned to initiate startup at their new location with a minor waste tire facility permit and their long-term plans were to obtain a major waste tire facility permit. In the past nine months, issues have arisen over the ability of Tri-C to maintain its waste tires storage capacity within their minor waste tire facility permit storage limit (see enforcement history section). To resolve this problem, they have applied for a major waste tire facility permit to increase their permit limit to allow the storage of up to 10,500 waste tires. This is a limit that was approved by the Board and the local Planning Department for the previous operator.

Title 14 CCR, Section 18423(b) requires Board staff to accept or reject a permit application within thirty days of its receipt. Tri-C Tire Recycling Inc. waived the Board's 30 day clock so they could obtain local authority approvals and financial assurance requirements associated with the major waste tire facility permit application.

Current Operations:

Used and waste tires are transported to this facility from various locations throughout the State. Tires accepted at the facility include passenger, truck, tractor, earthmovers, aircraft, forklift and split tires. When the tires arrive at the facility, they are unloaded from the transporting containers, sorted and graded. Good used tires are separated for resale. Waste tires that cannot be resold are shredded and transported to the Tri-C Manufacturing, Inc. facility located at 520 Harbor Blvd. in West Sacramento to be processed into crumb rubber.

Key Issues:

The key issue is whether to issue a major waste tire facility permit that will allow Tri-C Tire Recycling, Inc. to store up to 10,500 tires.

Staff Analysis:

The following table summarizes Board staff's review and analysis of the proposed permit application package for the issuance of a Major Waste Tire Facility Permit:

<i>Facility No. 34-TI-0598 Summary of Board Findings</i>	<i>Acceptable</i>	<i>Not Acceptable</i>	<i>To Be Determined</i>	<i>Not Applicable</i>	<i>Details in Item</i>
CEQA Compliance	✓				B
Tire Storage Standards	✓				1
Application Forms 500-503	✓				
Closure Plan, form 504	✓				
Financial Assurance	✓				2
Reduction/Elimination Plan	✓				3
Local Requirements	✓				

1. Consistency with State Minimum Standards:

The tire storage standards provide minimum requirements for tire storage facilities that are designed to reduce the risk of a fire or vector harborage. On February 2, 2006, Board staff conducted a pre-permit inspection of the Tri-C Tire Recycling, Inc. facility. Staff found the facility in compliance with all the state minimum standards for tire storage and disposal and determined that the facility was in compliance with the minor waste tire facility permit.

2. Financial Assurance:

The operator of a major waste tire facility is required to provide funding for a third party clean up of the maximum number of tires the permit allows to be stored on the property. These funds will be used by the Board to clean up the site should the operator and owner fail to meet their closure responsibilities. Tri-C Recycling, Inc. has established and fully funded a Trust Fund for closure of the major waste tire facility that meets the requirements of Title 14, CCR, Division 7, Chapter 6, Article 9, Section 18474.

In addition, the operator has obtained a Certificate of Liability Insurance that meets the requirements of 14 CCR, Chapter 6, Article 10, Section 18491. This insurance provides the minimum coverage for externalities that may occur as a result of a fire or other pollution sources.

3. Reduction/Elimination Plan:

The Reduction/Elimination Plan describes how the operator plans to clean up all the tires and close the site under normal circumstances. This is the operator's plan to wind down operations and reduce and eliminate the tires that were stored on site when the business was active.

B. Environmental Issues

1. California Environmental Quality Act (CEQA)

State law requires compliance with the CEQA either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

In 1987, the City of Sacramento prepared a draft and final Environmental Impact Report (EIR) for the City of Sacramento's General Plan, which designated the Tri-C Tire Recycling, Inc. parcel as M-2S, Heavy Industrial. In 1988, the City of Sacramento Department of Housing and Redevelopment prepared a program EIR for the Oak Park/Florin Enterprise Zone. The EIRs collectively included analyses for impacts associated with industrial development within the Enterprise Zone. Subsequently, in 1992, a Negative Declaration (ND) was prepared and adopted for the Sacramento Recycling Market Development Zone (RMDZ), a 4,500 acre area in which the Tri-C Tire Recycling facility is located. The ND analyzed the RMDZ overlay to determine if any new impacts not previously considered in the Program EIR would occur. ~~The ND analyzed and mitigated for potential impacts for traffic and circulation.~~

Staff has determined that the issuance of the new major waste tire facility permit is within the limits established by the local land conditional use approvals permit and the existing CEQA documentation. Tire recycling operations have been continuously conducted at this location since 1996, and the flow of tires through the facility and the day to day operations have remained fairly constant. Potential impacts and mitigation measures associated with the storage of up to 10,500 tires at this location have previously been approved for this location.

Staff has determined that the CEQA documentation prepared for the original project (under Total Tire Recycling) and the subsequent issuance of a Major Waste Tire Facility Permit is appropriate for the Board's consideration of this project for the issuance of a new Major Waste Tire Facility Permit.

2. Staff is unaware of any impacts regarding other state agencies or cross-media impacts related to this Item.

C. Program/Long Term Impacts

Based on available information, staff is not aware of any program impacts related to this Item.

D. Stakeholder Impacts

Based on available information, staff is not aware of any stakeholder impacts related to this Item.

E. Fiscal Impacts

No fiscal impact to the Board results from this Item.

F. Legal Issues

In accordance with Public Resources Code (PRC) Section 42822, the Board issues major waste tire facility permits pursuant to its regulations. Should the Board decide to deny the subject waste tire facility permit, a separate hearing will be held before the Board where Staff and the operator present evidence pursuant to Government Code Section 11503 to 11519 of the Administrative Procedures Act. Pursuant to PRC Section 42840, the major waste tire facility permit is valid for five years unless suspended or revoked.

G. Environmental Justice

The facility is located in a heavy industrial zone in the Sacramento Recycling Market Development Zone and the existing Enterprise Zone, known as the Florin-Perkins area.

Tri-C Tire Recycling Inc. is located in Census Tract 51.03 in the 2000 U.S. Census Bureau Database for Sacramento County. According to the 2000 census, the population of Census Tract 51.03 consists of the following:

US Census Bureau Data Census 2000 – Race, Census Tract 51.03 County of Sacramento, California	All Ages	
	Number	Percent
White	457	66.6
Black or African American	18	2.6
American Indian and Alaska Native	7	1.0
Asian	73	10.6
Native Hawaiian & Other Pacific Islander	16	2.3
Some other race	72	10.5
Two or more races	43	6.3
Total Population	686	100.0

Note: 134 people or 19.5% of the population in Census Tract 51.03 identified themselves as Hispanic or Latino. The median household income of the residents in the 2000 census was \$32,955 and approximately 14.7% of the families were below the poverty level.

H. 2001 Strategic Plan

This Item supports strategic plan **Goal 4**—Manage and mitigate the impacts of solid waste on public health and safety and the environments and promote integrated and consistent permitting, inspection, and enforcement efforts.

VI. FUNDING INFORMATION

This Item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Major Waste Tire Facility Permit
2. Resolution Number 2006-45

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Terry Smith

Phone: (916) 341-6427

B. Legal Staff: Wendy Breckon

Phone: (916) 341-6068

C. Administration Staff: N/A

Phone: N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff has not received any written support for this project other than the local approvals that are required prior to project approval.

B. Opposition

Staff has not received any written opposition to the proposed project.

WASTE TIRE FACILITY PERMIT		Facility/Permit Number: TPID No. 1005559 SWIS No. 34-TI-0598
1. Name & Street Address of Facility: Tri-C Tire Recycling, Inc. 8588 Thys Court Sacramento, CA	2. Name & Mailing Address of Operator: Tri-C Tire Recycling, Inc. 8588 Thys Court Sacramento, CA 95828	3. Name & Mailing Address of Property Owner: Gary Matranga 1834 Auburn Boulevard Sacramento, CA 95815
4. Specifications: a. Permit Type: <input checked="" type="checkbox"/> Major Waste Tire Facility <input type="checkbox"/> Minor Waste Tire Facility b. Permit Action: <input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Five (5) Year Permit Renewal <input type="checkbox"/> Permit Revision c. Operational Status: <input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed d. Maximum Permitted Capacity: 10,500 Whole Waste Tires/Tire Equivalents e. Permitted Storage Area (acres): 4.75 acres Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued waste tire facility permit and/or exclusion(s).		
5. Approval: _____ Approving Officer Signature H. James Lee, Jr. Deputy Director Special Waste Division California Integrated Waste Management Board		6. Enforcement Agency Name and Address: California Integrated Waste Management Board 1001 I Street P.O. Box 4025 Sacramento, CA 95812 Frequency of Inspection by Enforcement Agency: Annual (12 months)
7. Date Application Received: November 2, 2005		8. Date Application Accepted: February 2, 2006
9. Permit Issued Date: March 17, 2006	10. Permit Application Renewal Due Date: February 15, 2010	11. Permit Expiration Date: March 17, 2011

WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

TPID No. 1005559

SWIS No. 34-TI-0598

12. Legal Description of Facility:

Assessor's Parcel Number (APN): 062-0070-025

13. Findings:

- a. This permit is consistent with the standards adopted by the California Integrated Waste Management Board (CIWMB) as required by Title 14, California Code of Regulations (CCR), Division 7, Chapter 6.
- b. The design and operation of the facility is consistent with the Waste Tire Storage and Disposal Standards applicable to a major waste tire facility, pursuant to 14 CCR, Division 7, Chapter 3.
- c. Staff has determined that the issuance of this major waste tire facility permit is within the limits established by the existing CEQA documentation. The City of Sacramento prepared an EIR in 1987, a program EIR in 1988, and a ND in 1992. These documents together adequately analyzed and mitigated for potential impacts associated with the original establishment of the waste tire facility.

14. The following documents describe and/or restrict the operation of this facility:

	Date		Date
<input checked="" type="checkbox"/> Permit Application (CIWMB 500) <i>Amended</i>	11/16/05	<input checked="" type="checkbox"/> Vector Control Approval	1/09/05
<input checked="" type="checkbox"/> Operation Plan (CIWMB 501)	11/02/05	<input checked="" type="checkbox"/> Local Fire Authority Requirements	10/07/05
<input checked="" type="checkbox"/> Environmental Information (CIWMB 502)	11/02/05	<input type="checkbox"/> Local & County Ordinances	
<input checked="" type="checkbox"/> Emergency Response Plan (CIWMB 503)	Not dated	<input checked="" type="checkbox"/> EIR & Negative Declaration	
<input checked="" type="checkbox"/> Closure Plan (CIWMB 504)	11/02/05	<input type="checkbox"/> Air Pollution Permits and Variances	
<input checked="" type="checkbox"/> Reduction/Elimination Plan	11/02/05	<input type="checkbox"/> Lease Agreements - owner & operator	
<input checked="" type="checkbox"/> Closure Financial Responsibility Document	12/21/05	<input type="checkbox"/> Contract Agreements	
<input checked="" type="checkbox"/> Operating Liability Document	5/13/05	<input type="checkbox"/> Other (list):	
<input type="checkbox"/> Conditional Use Permit			

15. Conditions:

- a. The design and operation of this facility shall comply with the applicable Waste Tire Storage and Disposal Standards contained in 14 CCR, Division 7, Chapter 3. The permittee shall also comply with the permitting requirements in 14 CCR, Division 7, Chapter 6.
- b. In the event of a fire or other emergency that may have potential significant off-site effects, the permittee shall notify the CIWMB's Special Waste Division within 24 hours.
- c. Upon presentation of proper credentials, the Enforcement Agency, CIWMB staff, or an authorized agent of the CIWMB, shall be allowed to enter the permitted facility during normal operating hours to examine and copy books, papers, records, or memorandum, to take photographs of the tire storage area, and to conduct inspections and investigations pertaining to the facility.
- d. A copy of this permit shall be posted in a visible location at the facility.

WASTE TIRE FACILITY PERMIT

Facility/Permit Number:

TPID No. 1005559

SWIS No. 34-TI-0598

15. Conditions: (continued)

- e. The permittee shall maintain a copy of the Emergency Response Plan at the facility. At the time of permit issuance, the permittee shall forward a copy of the Emergency Response Plan to the local fire authority. The Emergency Response Plan shall be revised as necessary to reflect any changes in the operations of the waste tire facility or requirements of the local fire authority. All emergency phone numbers shall be updated immediately. The local fire authority and the CIWMB shall be notified of any changes to the plan within 30 days of the revision.
- f. Local fire authority and vector control standards, permits or approvals referenced in this permit shall be maintained in force during the term of this permit. In the event any permit or approval is modified during the term of this permit, the permittee shall notify the CIWMB in writing within 30 days of the change and include copies of any renewed or modified permits or approvals. In the event any permit or approval is suspended or revoked, or expires during the term of this permit, the permittee shall notify the CIWMB in writing within 5 working days of the suspension, revocation or expiration, and include copies of the pertinent documents with the notification.
- g. This permit does not release the permittee from their responsibility under any other existing laws, ordinances, regulations, or statutes of other government agencies.
- h. The terms and conditions of this permit may change as a result of a revision of the CIWMB's statutes or regulations.
- i. The permittee must report to the CIWMB the receipt of waste tires from unregistered haulers within 30 days of acceptance. Section 18461 of 14 CCR identifies the information to be reported to the CIWMB.
- j. CIWMB staff, their designated contractors and representatives, and other affected State and local authorities shall have access to the facility for the purpose of investigating, remediating and/or stabilizing the facility if deemed necessary for the purpose of protecting public health, safety and the environment.
- k. CIWMB staff reserves the right to suspend or modify waste tire receiving and/or storage operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance, to protect the public health and safety, protect and rehabilitate or enhance the environment, or to mitigate adverse environmental impacts.
- l. Violation of any term or condition of this permit may result in civil penalties up to \$10,000 for each violation, pursuant to PRC 42850.
- m. The permittee shall obtain written approval from the CIWMB prior to allowing the transport Tire Derived Product (TDP), as defined by PRC sections §42805.7 and §42950(i), pursuant to 14 CCR 18451. Requests for such approval shall include proof of sale. Failure to obtain approval of the transport of the product may result in enforcement action.
- n. Altered tire materials greater than ¼" in size stored on-site are considered waste tires and will count toward the Maximum Permitted Capacity declared on page one of this permit.
- o. The beneficial reuse of waste tires in on-site construction projects must be pre-approved as required by Title 14 CCR 17346(f).
- p. The permittee shall only give, contract, or arrange with California registered used and waste tire haulers to transport waste tires or tire pieces (greater than 1/4") away from the facility, unless the hauler is exempt as specified in PRC Section 42954, or the CIWMB has granted written approval to the permittee or the hauler.
- q. The permittee shall submit an updated Closure Plan (Part B), CIWMB form 504, as specified in 14 CCR, Division 7, Chapter 6, Section 18442, at least 120 days prior to the anticipated closure of the facility.
- r. The permittee shall maintain adequate financial assurance in accordance with the closure requirements of 14 CCR, Division 7, Chapter 6, Article 9 and operating liability in accordance with the requirements of 14 CCR, Division 7, Chapter 6, Article 10.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-45

Consideration Of The Issuance Of A Major Waste Tire Facility Permit To Tri-C Tire Recycling, Inc., Sacramento County

WHEREAS, the operator of the Tri-C Tire Recycling, Inc. facility, located at 8588 Thys Court, Sacramento, has submitted an application for a new Major Waste Tire Facility Permit; and

WHEREAS, California Integrated Waste Management Board (Board) staff have reviewed the application package and determined that all the applicable requirements have been met; and

WHEREAS, Board staff has determined that the proposed waste tire storage limit of 10,500 is within the limits established by the previous environmental analysis; and

WHEREAS, the Sacramento-Yolo Mosquito and Vector Control District approved the vector control plan and the City of Sacramento, Department of Fire approved the tire storage procedures; and

WHEREAS, Board staff inspected the site on February 2, 2006 and found the operations in compliance with the waste tire facility permit as well as the waste tire storage standards; and

WHEREAS, Board staff reviewed the financial assurance and operating liability certificate and determined that the documentation submitted meets the applicable requirements; and

WHEREAS, Board staff drafted a proposed Major Waste Tire Facility Permit for the Boards' consideration; and

WHEREAS, the Board finds that all applicable state and local requirements for the proposed Major Waste Tire Facility Permit have been satisfied.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board approves the issuance of Major Waste Tire Facility Permit No. 34-TI-0598.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 9

ITEM

Consideration Of Adoption Of Comprehensive Trip Log Regulations For Waste Tire Hauler Manifesting Requirements For Retreaders, Used And Waste Tire Haulers, Generators, And End-Use Facilities

I. ISSUE/PROBLEM STATEMENT

The purpose of this Item is to finalize the formal rulemaking process so that the current emergency Waste Tire Hauler Registration and Manifesting regulations regarding the Comprehensive Trip Log (CTL) and changes to the Electronic Data Transfer (EDT) systems can become permanent regulations.

At the April 19, 2005 California Integrated Waste Management Board (Board) Meeting, the Board directed staff to submit the required documentation to the Office of Administrative Law (OAL) to create emergency regulations amending the manifesting regulations, which would incorporate a newly developed CTL form and changes to the existing EDT system. These emergency regulations were submitted to OAL on June 2, 2005, and approved by OAL on July 13, 2005, and became effective immediately. OAL granted the Board two extensions, on October 12, 2005 and on February 10, 2006. Therefore, these regulations are effective through June 2006, or until the proposed permanent regulations are approved by the OAL.

II. ITEM HISTORY

Board staff have summarized the lengthy history of the Board's efforts in the area of waste tire manifests in the November 2004, February 2005, and April 2005 Agenda Items, which are listed chronologically in Attachment 1. Recent Board actions are as follows:

- On July 13, 2005, the emergency regulations were approved by OAL amending manifesting regulations to replace the manifest form and trip log with a newly developed CTL form and amended the existing EDT system. OAL granted the Board two extensions, on October 12, 2005 and on February 10, 2006. Therefore, these regulations are effective through June 2006, or until the proposed final regulations are approved by the OAL.
- Board staff conducted public training on the use of the CTL form and transmittal of waste and used tire hauler information via the EDT in July, August and September of 2005 in Sacramento, Los Angeles, San Jose, Santa Rosa, San Diego, Redding, and Visalia. The Sacramento training session has been available to all interested parties "online" continuously since July 25, 2005.
- The Board added a section in the proposed regulations which provided that, in accordance with the Administrative Procedures Act at Government Code Section 11506, the Board is amending the regulations to state that Respondents have 15

days to request a hearing after the Board issues the initial administrative complaint in an enforcement action.

- The proposed regulations were posted by OAL on December 30, 2005 commencing the 45-day public comment period, which will end at the close of the public hearing held on February 16, 2006. To date, staff has received one e-mail on the proposed regulations; these comments are listed in the Analysis Section, Key Issues and Findings.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the revised CTL regulations for adoption with no change; find the regulations exempt from the California Environmental Quality Act (CEQA) process requirements, and direct staff to complete the rulemaking process with OAL, and adopt Resolution Number 2006-.
2. Approve the proposed CTL regulations for adoption with changes, and direct staff to proceed as in Option No. 1.
3. Direct staff to take other actions consistent with the Board's direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt the proposed regulations and direct staff to submit the proposed CTL regulation package to OAL as presented in Option 1.

V. ANALYSIS

A. Key Issues and Findings

The Waste Tire Manifest System (WTMS) is currently operating under emergency regulations which:

- Provides a CTL, completed and submitted by the hauler on behalf of the generator and the end-use facility, in place of the former manifest and tire trip log forms. The CTL has multiple benefits including significant savings in cost and time.
- Amended regulatory language to include the application process and restrictions in allowing the regulated community to utilize the EDT and Web-based reporting process, which has been in the development and early implementation phase prior to the adoption of emergency regulations.
- If these emergency regulations are allowed to sunset in June 2006 without the Board adopting permanent regulations, the WTMS system will revert to the regulations which were in effect prior to the emergency regulations. Reverting back to the manifest and tire trip log forms would be counterproductive. Since the implementation phase of the CTL program, there has been an 82% reduction of paperwork, a proportional decrease in staff time for processing these forms, and the wide acceptance by the regulated community of an easier to use, more efficient form.

Summary of Comments and Responses

As of February 8, 2006, when this Item was prepared, Board staff received one e-mail from a registered waste tire hauler, and no comment letters. The 45-day comment period will end on February 16, 2006. Board staff will present to the Board any comments received during the remainder of the comment period. Listed below are the summarized comments and staff responses to those comments.

1. The commenter stated that the new form does nothing to curtail the illicit disposal of tires along roadsides by a select few haulers.

Response:

Although this is a generalized comment, the manifest system in general allows the Board to examine the usage and transportation of all tire-related business within California. By doing so, staff has identified suspicious businesses and has strengthened onsite inspections by the use of local waste tire enforcement grantees.

2. The commenter feels that the haulers and generators are “careless” and “uncaring” in the completion of the CTL form.

Response:

Staff is continually trying to educate the regulated community in completing the CTL form. A new and improved CTL Guidance Manual and Field Reference Guide (available in both English and Spanish) have been provided to all waste tire haulers. In addition, a short training video is being developed which will be made available to the hauler community showing a “step by step” process in completing the CTL form. Again, as stated in the response to question 1, continued presence and training by the local waste tire enforcement grantees, as well as Board staff, will help in reducing this problem. It might be added that stakeholders felt that the prior manifest and tire trip log forms were more confusing and difficult to complete than this current CTL form, and staff has noticed that the CTL forms are being submitted in a more complete fashion now than with the past forms.

3. The commenter stated that the CTL receipt does not provide the necessary room for the facility name and address, and some information is redundant.

Response:

Staff is continually trying to make the CTL form easier to use by the regulated community. The suggestion to make the address area larger for the facility name and address is welcomed, and staff will make this non-substantive change in the next updated version of this form. As for the redundancy issue, staff agrees that some of the information is repetitive. However, this information is critical, and Board staff has determined that it protects the integrity of the manifest because if certain information is incorrectly entered, the redundancy serves as a way to capture the correct data.

There were no other comments received at the time of this Agenda Item.

B. Environmental Issues

Compliance with the CEQA for this Rulemaking:

Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 - Actions by Regulatory Agencies for Protection of the Environment, is the appropriate categorical exemption supporting the proposed amendments' exemption from CEQA.

“Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.”

If the Board determines the regulatory amendments are exempt from CEQA pursuant to the above noted exemption, staff will file a Notice of Exemption with the State Office of Planning and Research.

C. Program/Long Term Impacts

With the implementation of the CTL form in July 2005, Board staff have seen a noticeable decrease (82%) in the ordering of manifest forms by the regulated community. This can be attributed to the CTL form (prepared by the hauler) replacing a total of 4 forms; three manifest forms (one each from the generator, hauler and end-use facility) and one tire trip log form. Additionally, EDT is being continually solicited to the community to entice more companies to go to this method of document reporting. For a further history and explanation of these impacts, please see this section in Item 3 of the November 2004 Board Agenda (Attachment 3), Item 22 of the February 2005 Board Agenda (Attachment 4), and Item 23 of the April 2005 Board Agenda (Attachment 5).

D. Stakeholder Impacts

The proposed CTL aligns the paper manifest process with the “only the hauler” reports EDT and Web-based data entry approaches. It provides for the collection and reporting of pertinent information on the pick up and delivery of tires. It identifies the generator, hauler and/or end user to each transaction. While it does not provide “reconciliation” to each hauler trip, it does provide specific information on the date, time, name and address, trucks and tire load amounts for the tracking and enforcement of waste tire haulers, generator and end users. The form, as introduced to the stakeholders in the workshops both in Sacramento and Diamond Bar, appeared to be acceptable to the community, as they liked its format and simplicity. The CTL form will still provide an adequate enforcement and tracking ability while reducing the paper volume.

The CTL strikes a common sense compromise between the existing manifest system and tracking program needs for basic waste tire enforcement. It reduces business overhead for the hauler, generator, and end-use facility. For the Board, it reduces paper form printing, handling, and processing.

It provides a common and uniform approach to waste tire data gathering by having both paper and electronic data processes whereby the hauler is the responsible reporting party, regardless of reporting options. Of course, if the hauler fails to manifest in accordance with the CTL system, it is the responsibility of the end use facility or generator to provide the Board with manifests. Thus, the CTL system meets the intent of Senate Bill 876 (2000) for accountability of all parties in the waste tire transaction, while providing the information necessary for auditing enforcement of the State's flow of tires.

E. Fiscal Impacts

This regulatory change will make the manifest program more cost efficient. The expense of modifying computer software and hardware and developing and printing forms has already been incurred under the emergency CTL regulations enacted in 2005. By eliminating the manifest and tire trip log forms, the Board will experience a cost savings by not having to continue printing, processing, and providing postage for these forms.

F. Legal Issues

Public Resources Code Section 42961.5 provides for a comprehensive manifest system containing specified information, such as an accurate measurement of the number of waste tires, as approved by the Board. This manifest system creates a duty for waste tire haulers, generators, and end users to manifest used and waste tires. The CTL allows the waste tire haulers to manifest on behalf of the generators and end users. Therefore, if the haulers fail to manifest, or misrepresent critical information in the manifests, the generators and end users are ultimately responsible for providing accurate information in the manifests to Board.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System" is equally and uniformly applied to all applicable parties throughout the State of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

With the implementation of the proposed regulations to adopt the enhanced CTL form and the EDT process, this Item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

- **Goal 1**—Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure.
 - Objective 1:** Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.
- **Goal 3**—Educate the public to better understand and participate in resource conservation and integrated waste management strategies.
 - Objective 1:** Increase the level of environmental education and technical assistance support provided to all Californians about resource conservation and integrated waste management strategies.

- **Goal 5**—Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission.
Objective 3: Improve the exchange of and access to information internally and externally.
- **Goal 7**—Promote a “zero-waste California” where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California’s Integrated Waste Management Act.
Objective 1: Promote source reduction to minimize the amount of waste generated.

VI. FUNDING INFORMATION

This Item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Item History
2. Final Proposed Regulations
3. November 2004 Board Agenda Item 3
4. February 2005 Board Agenda Item 22
5. April 2005 Board Agenda Item 23
6. Resolution Number 2006-46

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Claire Miller	Phone: (916) 341-6705
B. Legal Staff: Wendy Breckon	Phone: (916) 341-6068
C. Administration Staff: Doug Ralston	Phone: (916) 341-6148

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this Item was submitted for publication.

B. Opposition

One registered waste tire hauler commented as mentioned above.

II. ITEM HISTORY

The California Integrated Waste Management Board (Board) has had a long and involved history with waste tires, as shown below in past legislation and Board action:

- Senate Bill (SB) 744 (McCorquodale, 1993) established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. These regulations became effective on May 9, 1996. Under this system, the waste tire hauler was required to register his business and vehicles annually. In addition, each waste tire generator, hauler, and end-use facility was required to complete a portion of a manifest form for tire transactions, and maintain a copy of the manifest form for 3 years. These entities were not required to submit copies to the Board.
- Assembly Bill (AB) 117 (Escutia, 1998) required the Board to prepare a report to the Legislature on the waste tire program in effect at that time, and to make recommendations by June 30, 1999 for needed changes. The Board adopted the final version of the report entitled "California Waste Tire Program Evaluation and Recommendations" at its June 22, 1999 meeting. This report recommended that the manifest system in place at that time be continued, with the following modifications: "Close the loop" on accountability, i.e. have copies of each manifest returned to the Board for monitoring.
 - Account for imported scrap and used tires.
 - Provide for "one time hauls" to support amnesty days and individual clean up of small tire piles.
 - Increase from five to ten the maximum number of waste and used tires that could be transported without having to obtain a waste tire hauler permit.
 - Develop a process to allow a hauler to temporarily substitute a replacement vehicle for a permanently registered vehicle.
- SB 876 (Escutia, 2000) required copies of each manifest to be submitted to the Board for monitoring tire loads and the movement of tires within California. Based on this, Board staff modified the waste tire manifest and waste tire manifesting regulations to incorporate these changes so that the Board would receive a copy of the completed manifest document for each transaction performed by the waste tire generator, hauler, and waste tire end-use facility. This legislation also required the Board to make the manifest available in electronic format, which would make it possible to submit information to the Board electronically.
- Board staff conducted public workshops in November 2001 to discuss and obtain comments on the proposed "California Uniform Waste and Used Tire Manifest System." Numerous comments were received from industry concerning this new manifest system. These comments were considered during the initial design and development of the documents.

- In March 2002, staff conducted a “testing phase” of the new form prototypes by selecting a small group of waste tire generators, haulers, and end-use facilities to participate in using these documents for a two-week period. The information collected during this “testing phase” was crucial and resulted in the development of the final prototypes (CA Uniform Waste and Used Tire Manifest and the CA Uniform Waste and Used Tire Trip Log) for implementation in the summer of 2003.
- During the October 7, 2002 Special Waste and Market Development Committee meeting, staff was directed to commence the 45-day comment period to implement regulatory changes that were consistent with SB 876 and the newly created "California Uniform Waste and Used Tire Manifest System."
- On December 6, 2002, the proposed changes to the Waste Tire Hauler Registration and Manifesting Regulations were publicly noticed with the Office of Administrative Law (OAL), which initiated the 45-day comment period ending on January 27, 2003.
- On February 4, 2003, the Special Waste and Market Development Committee held a public hearing for the 45-day public comment period for these regulations. Staff was directed to publicly notice proposed changes to these regulations for an additional 15-day public comment period.
- On April 16, 2003 the Waste Tire Hauler Registration and Manifesting Regulations were submitted to OAL. These regulations were approved on May 28, 2003, and went into effect on July 1, 2003.
- In June 2004, the Special Waste Division brought the Emergency Regulations for Retreaders to the Board, in order to alleviate some of the workload for the retread industry. The Retreader Trip Log (CIWMB 180) was introduced to accomplish the capture of information, provide a document for use while transporting tire casings, and to reduce the burdensome requirements of the manifest system for this group of haulers. Less regulatory scrutiny is required to monitor tire casings, because tire casings are a valuable commodity so there should be no incentive to illegally dispose of them.
- On August 19 and September 8, 2004, workshops were held in Sacramento and Diamond Bar to obtain stakeholder input on ways to improve the efficiency and simplify the process used in the "California Uniform Waste and Used Tire Manifest System." Some suggested remedies included a simpler manifesting document, the Comprehensive Trip Log (CTL), and further expanding the usefulness of Electronic Data Transfer (EDT) and a Web-based data entry for haulers to input their manifest information and minimize their reporting requirements.

- On January 24, 2005, another workshop was held in Sacramento to obtain input from stakeholders concerning the CTL and another possible reporting mechanism, the “Quarterly Summary Report,” and to demonstrate the ease of using the Web-based data entry option for haulers interested in using their own forms and submitting electronic reports to the Board. Both the CTL and Web-based data entry were well received by these stakeholders.
- At its April 19-20, 2005 meeting, the Board approved emergency regulations to revise the waste tire hauler and manifesting regulations and to replace the existing manifest form (CIWMB 647) and tire trip log form (CIWMB 648) with the CTL form (CIWMB 203), and also establish criteria for EDT submittal to the Board in lieu of the required paper form, and directed staff to formally notice the permanent regulations for a 45-day comment period.
- On June 13, 2005, OAL approved Waste Tire Hauler Registration and Manifesting regulations and filed them with the Secretary of State. The regulations became effective immediately. OAL granted the Board two extensions, on October 12, 2005 and on February 10, 2006. These regulations are effective through June 2006 or until the proposed final regulations are approved by the OAL.

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Chapter 6. Permitting of Waste Tire Facilities and Waste Tire Hauler Registration and Tire Manifests

Article 8.5. Waste Tire Hauler Registration and Manifesting Requirements for Used and Waste Tire Haulers, Retreaders, ~~Tire Dealers~~, Used and Waste Tire Generators, and Used and Waste Tire End-Use Facilities

18449. Scope.

- (a) This Article specifies the procedures for waste tire hauler registration and tire manifest system requirements for waste tire haulers, retreaders, ~~tire dealers~~, waste tire generators, and end-use facilities, including reporting and documentation requirements.
- (b) In addition to the regulations in this article, statutory provisions contained in Sections 42950 through 42967 of the Public Resources Code govern the Waste Tire Hauler Registration Program.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Section 42950 et seq., Public Resources Code.

18450. Definitions.

- (a) For the purposes of this Article, the definitions found in: Public Resources Code Sections 42950-42967; and Chapter 3, Article 4.1, of this Division (commencing with Section 17225.701); and the following shall apply:
- (1) "Board" means the California Integrated Waste Management Board.
 - (2) "Bond" means a surety bond issued by a California admitted insurance carrier.
 - (3) "Business Name" means the name of the operation registered with the local government of the State of California; the business license name.
 - (4) "Calendar Year" means January 1 through December 31 of any year.
 - (5) "CIWMB" means the California Integrated Waste Management Board.
 - (6) "Civil Penalty" means a fine assessed as a result of a violation of an applicable provision.
 - (7) "Collection Center" See Facility.
 - (8) "Commingled" means inextricably mixed together, in that the waste components cannot be economically or practically separated.
 - (9) "Comprehensive Trip Log" means the California Uniform Waste and Used Tire Manifest System form developed by the Board pursuant to Public Resources Code, section 42961.5. The Comprehensive Trip Log is attached hereto as Appendix A (CIWMB_203, 03/05) and incorporated by reference herein.

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(10) "Electronic report" means electronic submittal of manifest information to the CIWMB by means of Electronic Data Transfer or Web-based data entry in accordance with the requirements set forth in §18459.1.2.

~~(9)~~ (11) "EDT Form" means a paper business' reporting form, approved by the Board, that is used by the hauler or responsible party for reporting manifest information in lieu of the required Comprehensive Trip Log. The EDT Form will contain the information required on the Comprehensive Trip Log.

(12) "End-Use Facility" means the facility where used or waste tires are unloaded.

~~(10)~~ (13) "Facility" means a waste tire facility, as defined in Public Resources Code Section 42808, a landfill authorized pursuant to Public Resources Code Section 42866, a facility authorized to accept used or waste tires pursuant to a state or local agency permit, or a facility which lawfully accepts used or waste tires as authorized under Title 14, Section 18420.

~~(11)~~ (14) "Incidental Revenue" means 10% or less of total annual revenue for purposes of Public Resources Code Section 42954 (a)(7).

~~(12)~~ (15) Invoice means a document provided by a Retreader that contains the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped.

~~(13)~~ (16) "Load" means a single transaction (a pick up or delivery) of used or waste tires between the hauler and generator or the hauler and end-use facility. There may be one or more loads on a trip.

~~(14)~~ (17) "Local Government" means a county, city, city and county, special district, joint powers agency or other political subdivision of the state.

~~(15)~~ (18) "Manifest Form" means the California Uniform Waste and Used Tire Manifest Form developed by the Board that shall be completed by the waste tire hauler, ~~tire dealer~~, waste tire generator, or facility, which shall accompany each shipment of used or waste tires. The Manifest Form is attached hereto as Appendix A (Form #647, 01/03) and incorporated by reference herein.

~~(16)~~ (19) New Tire Adjustment means return or replacement of a new tire that is defective or damaged.

~~(17)~~ (20) "Person" includes an individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, political subdivision, government agency, or municipality.

(21) "Place of Business" means the actual physical location where waste or used tires are picked up from, delivered to, or stored.

~~(18)~~ (22) "Registered Vehicle Owner" means the person in whom title is vested and/or to whom the vehicle is registered with the Department of Motor Vehicles for any jurisdiction, domestic and foreign, in which the vehicle is registered.

~~(19)~~ (23) "Retreader" means a business, person, entity, individual, sole proprietorship, co-partnership, Limited Liability Company, corporation, who is in the business of retreading, ~~recasing~~, or recapping tire casings for reuse. The Retreader shall have a Manufacturer 3-Digit Identification issued by the United States Department of Transportation pursuant to Title 49, Code of Federal

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Regulations, § 574.5. A completed original form CIWMB 173 (4/04) "Retreader Self-Certification" which is attached hereto as Appendix A (CIWMB 173, 4/04) and incorporated by reference herein shall be completed by the Registered Waste Tire Hauler before being deemed by CIWMB to be a self-certified retreader.

Notwithstanding provisions of the manifesting requirements, the Retreader is a registered waste tire hauler and shall comply with all waste tire hauler requirements.

~~(20)~~(24) "Retreader Trip Log" means the California Retreader Trip Log developed by the Board that shall be completed by the Retreader and shall accompany the tire casings during shipment for inspection, retreading, ~~recasing~~, or recapping. For the purposes of the Retreader Trip Log, this form shall only be used during the shipment of tire casings from the generator to the Retreading facility and on the return trip back to the generator, and the ownership of the tire casing(s) shall not change during either shipment. The Retreader Trip log meets the intent of Public Resources Code, section 42961.5 and is attached hereto as Appendix A (CIWMB 180, 03/04) and incorporated by reference herein.

~~(21)~~(25) "Revenue" is annual net income earned.

~~(22)~~(26) Tire casing is the carcass of a reusable tire that after inspection can be retreaded, ~~recased~~, or recapped by a Retreader.

~~(23)~~(27) "Tire Trip Log" means the California Uniform Waste and Used Tire Trip Log developed by the Board that shall be completed by the waste tire hauler and shall accompany the waste tire hauler for each shipment of used or waste tires. The Tire Trip log is attached hereto as Appendix A (Form #648, 01/03) and incorporated by reference herein.

~~(24)~~(28) "Trip" means the hauling of waste or used tires that begins with a waste tire hauler's first pick-up of used or waste tires from a generator and ends with the hauler's last delivery of used or waste tires to an end-use facility, but in no case shall a trip exceed five (5) consecutive days.

(29) "Unregistered Hauler & Comprehensive Trip Log Substitution Form" is the form to be completed by the generator and end use facility pursuant to the requirements set forth in §§ 18461 (b) and 18462 (c). The Unregistered Hauler & Comprehensive Trip Log Substitution Form is attached hereto as Appendix A (CIWMB 204, 03/05) and incorporated by reference herein.

~~(25)~~(30) "Used and Waste Tire Generator" means any person who provides used or waste tires to a waste tire hauler; including, but not limited to ~~tire dealers~~, auto dismantlers, and automotive fleet service centers.

~~(26)~~(31) "Vehicle Description" includes the year, the model, the make of the vehicle, Vehicle Identification Number as defined in California Vehicle Code Section 671, and Vehicle License Plate Number, including state of issuance, as defined in California Vehicle Code Section 4850(a).

~~(27)~~(32) "Waste Tire Hauler Decal" is a decal issued by the Board, printed on specially prepared paper with a unique number, for affixing to the lower right hand corner of the windshield.

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~~(28)~~(33) "Waste Tire Hauler Registration" means the documents, including the decal and registration form, issued by the Board, which authorizes the holder of the documents to legally haul waste tires within California for the period of issuance.

~~(29)~~(34) "Waste Tire Manifest System" means the California Uniform Waste and Used Tire Manifest System which includes the Comprehensive Trip Log, Retreader Trip Log, Manifest, Form and ~~the~~ Tire Trip Log forms developed by the Board and all procedures and regulations applicable to the transportation of the used or waste tires from point of origin to final destination of the used or waste tires.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42954, 42955, 42956, 42958, and 42961.5, Public Resources Code.

18451. Applicability of these Regulations.

(a) Waste tire haulers, retreaders, ~~tire dealers~~, waste tire generators, and end-use facilities shall comply with these regulations, unless exempted by Section 42954 of the Public Resources Code and applicable procedures set forth in Sections 18453-18453.2.

(b) The return of new tire adjustments to the wholesale distributor or manufacturer under "warranty consideration" is not considered used or waste tire hauling for the purposes, implementation, and enforcement of this Article. The person transporting the tires must have in the vehicle documentation substantiating that the tires are being returned for "warranty consideration." Lack of documentation or false information will subject the transporter to enforcement and penalties under this Article.

(c) "Tire Derived Product" being transported from the processing facility to the end-use facility is not considered used or waste tire hauling for the purposes, implementation, and enforcement of this Chapter. The hauler shall have a copy of the letter issued by the Board to the processing facility stating that the material is "Tire Derived Product" and a bill of lading accompanying the load. The letter and bill of lading shall be carried in the vehicle while transporting the "Tire Derived Product" from the processing facility to the end-use facility. Lack of documentation or false information will subject the transporter to enforcement and penalties under this Chapter.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42951, 42952, 42953, and 42954, Public Resources Code.

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18453.2. Valid Exemption Period and Renewal.

(a) An exemption as described under Public Resources Code Section 42954 (a)(5) and 42954 (a)(6) shall be valid from the date of approval to January 1 of the following year provided that the information in the certification letter relied upon to qualify for the exemption remains unchanged.

(b) A person wishing to continue to qualify for an exemption from waste tire hauler registration under Section 42954 (a)(5) and ~~42954~~ (a)(6) of the Public Resources Code shall re-certify to the Board on an annual basis, and in accordance with the requirements in Section 18453.

(c) All exemption certifications must be submitted 45 days prior to the expiration date. Renewed exemptions are valid for one calendar year, January 1 to January 1 of the following year.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Section 42954, Public Resources Code.

18456. Waste Tire Hauler Registration Application and Retreader Self-Certification Form

(a) Copies of form CIWMB 60 and 61 and form CIWMB ~~180~~ 173 can be obtained by contacting the California Integrated Waste Management Board, Special Waste Division, Waste Tire Hauler Program, P.O. Box 4025, Sacramento, CA 95812 or accessing the California Integrated Waste Management Board website located at www.ciwmb.ca.gov/Tires.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42951, 42952, 42954, 42955, 42956, and 42958, Public Resources Code.

18456.2.1 Retreader Self-Certification Process.

(a) The Board shall inform the applicant for retreader self-certification in writing within 30 days from date of receipt of the Retreader Self-Certification form of the following:

- (1) Whether the Self-Certification Form is complete;
- (2) If the Board determines that the Self-Certification Form is incomplete, the Board shall inform the applicant what specific information is required to complete the Certification Form.

(b) Upon a Board determination that the Retreader Self-Certification is valid and complete, the Board will provide proof of Retreader Self-Certification in the form of

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decals and specifically designed Retreader registration cards to the Retreader for those vehicles either owned or leased by the retreader. The Board will issue a specifically designed Retreader registration card and decal for each vehicle identified by the Retreader. The Retreader registration card shall be carried in the corresponding vehicle. The decal shall be permanently affixed to the lower right hand corner of the windshield.

(c) Registration cards and decals are not transferable from vehicle to vehicle. They shall be present in the vehicle to which they were issued.

(d) If the Board determines at any time that the information in the Self-Certification Form is false, then the Board will deem the Self-Certification Form to be invalid, and will notify the applicant. In addition, the Board will determine whether an enforcement action is necessary.

(e) Upon invalidation of the Retreader self-certification, the Retreader shall immediately return all unused Retreader Trip Logs and Retreader registration card(s) for each vehicle registered under the Retreader's Registration to the Board.

(f) If the Retreader Self-Certification is invalidated, the Retreader shall not transport any tire casings unless in possession of a Comprehensive Trip Log (CIWMB 203) or tire trip log (CIWMB 648) and accompanying manifest (CIWMB 647) in accordance with Section 18459 requirements set forth for the waste tire hauler.

(g) If the Self-Certification is deemed invalid, any hauling of tire casings not in accordance with Subsection (f) will be a cause for denial, suspension, or revocation of the Waste Tire Hauler Registration.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42951, 42952, 42955, 42958, 42960, and 42961, Public Resources Code.

18459. Waste Tire Manifest System Requirements.

(a) The Board will provide blank forms; CIWMB 203, CIWMB 647, CIWMB 648, and CIWMB 180 at the time of initial or renewed waste tire hauler registration. These forms will be provided at no cost. CIWMB 180 shall only be completed by a Retreader. It shall be unlawful for a waste tire hauler, who is not a Retreader determined by the Board, to use a Retreader Trip Log.

(1)The Manifest Form (CIWMB 647) and Tire Trip Log (CIWMB 648) may be used in lieu of the Comprehensive Trip Log; however, the Manifest Form and Tire Trip Log shall not be used after December 31, 2005.

(2) In lieu of (a)(1), if approved on an individual basis by the Board pursuant to Public Resources Code Section 42961.5, any person that is subject to the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log requirements of this section, may substitute their own form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board. The hauler shall provide a copy

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of their Board approved form to the generator or end-use facility for every waste or used tire transaction.

(4)(3) Additional forms may be obtained from the Board by request.

(b) The Comprehensive Trip Log, Manifest Form, Tire Trip Log, and Retreader Trip Log shall be completed, and signed under penalty of perjury by the appropriate representative, and accompany each shipment of used or waste tires from the point of origin to the facility, ~~by the appropriate representative.~~

(c) The following persons and entities shall comply with the Waste Tire Manifest System:

- (1) waste and used tire hauler
- (2) used or waste tire generator
- (3) Federal, State, and local governments
- (4) person hauling used or waste tires for agricultural purposes
- (5) exempted commercial carrier
- (6) a facility
- (7) any person not included in Section 18459 (c)(1) through (6) who gives, contracts, or arranges to have used or waste tires transported
- (8) any person not included in Section 18459 (c)(1) through (6) who accepts used or waste tires
- (9) Retreader

(d) For purposes of this section, "waste and used tire hauler" means any person engaged in the transportation of used or waste tires, including haulers that the Board approved as exempt from registration pursuant to Public Resources Section 42954.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18459.1. Tire Program Identification Number.

(a) On or after July 1, 2003, every ~~tire dealer~~/waste tire generator shall apply for and obtain a CIWMB assigned Tire Program Identification Number for each location from which used or waste tires are generated and transported from. Each location shall be assigned a unique site specific Tire Program Identification Number.

(b) On or after July 1, 2003, every end-use facility shall apply for and obtain a CIWMB issued Tire Program Identification Number for each location where used or waste tires are accepted. Each location shall be assigned a unique site specific Tire Program Identification Number.

(c) Every waste tire hauler shall be assigned a CIWMB issued Tire Program Identification Number, if not already assigned, at the time of registration.

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(d) Only one Tire Program Identification Number shall be assigned to any one business location. The Board shall issue a certificate with the Tire Program Identification Number for each location, which shall be posted by the operator in a conspicuous place.

(e) Every ~~tire dealer~~/waste tire generator, waste tire hauler, or waste tire end-use facility shall submit written notification to the CIWMB upon any change of business operator or owner, business name, or business address within 10 days of the change.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, 42962, Public Resources Code.

18459.1.2. Electronic Data Transfer and Web-Based Data Entry Requirements.

(a) Pursuant to Public Resources Code Section 42961.5, any person may submit electronic reports to the Board in lieu of the required Comprehensive Trip Log, Retreader Trip Log, or Manifest or Tire Trip Log forms requirements with the following provisions:

(1) The business entity shall complete and sign the application for the Electronic Data Transfer/Web Based Data Entry project.

(2) The business shall be in good standing with the CIWMB and have no final administrative, civil, or criminal actions taken by the CIWMB or its representatives for violations of Chapter 3, Article 5.5 or Chapter 6 of these regulations.

(3) The waste tire generator, waste tire hauler, Retreader, or end-use facility must demonstrate that they have sufficient technical competency to process and transmit the required information electronically.

(4) The Business entity may use their own form, once approved by the Board, in lieu of the Board required form.

(b) The CIWMB may at any time terminate the businesses' eligibility to use electronic reporting based on violations of (a) or (c).

(c) Any falsification, misrepresentation, or omission of a fact to the CIWMB, or its representative in the application for the Electronic Data Transfer/Web Based Data Entry project or the electronic transmission of manifest information may be cause to terminate the business' eligibility to participate in either the Electronic Data Transfer or Web-Based Data Entry programs.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

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18459.2.1. Submittal of the Comprehensive Trip Log, Manifest Form, Tire Trip Log, and Retreader Trip Log, and Electronic Reporting to the Board.

As provided in this section, the Comprehensive Trip Log, or Manifest Form and Tire Trip Log, and or Retreader Trip Log shall be submitted to the CIWMB by the waste tire generator, waste tire hauler or Retreader as specified in (a), (b), (c), or (d).

(a)(1) If the waste tire hauler chooses to use the Manifest form, The waste tire generator ~~or tire dealer~~ shall submit the completed original Manifest Form to the Board within ninety (90) days of the load shipment. The Manifest Form and Tire Trip Log shall be in the waste tire hauler's possession while transporting used or waste tires. The Manifest Form and the Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

~~(4)(2)~~ If the waste tire hauler chooses to use the Tire Trip Log, tThe waste tire hauler shall submit the completed original Tire Trip Log to the Board within ninety (90) days of the load shipment.

~~(2)(3)~~ The Manifest Form and Tire Trip Log shall not be used after December 31, 2005.

(b) On or before January 1, 2006, the waste tire hauler shall submit a copy of the completed Comprehensive Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log shall be in the waste tire hauler's possession while transporting used or waste tires. The Comprehensive Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

~~(b)(c)~~ If the waste or used tire is a tire casing being shipped for inspection, retreading, recasing, or recapping and is being transported by a Retreader, the waste tire generator ~~or tire dealer~~ may substitute an invoice for the required manifest form provided by the Retreader. The invoice shall contain the date of the transaction, the name of the customer and address, the Tire Program Identification Number of the generator or end use facility, the name of the retreader and address, the quantity of tire casings shipped. A copy of the invoice and Retreader Trip Log shall be in the Retreader's possession while transporting the tire casings. The copy of the invoice and Retreader Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the California Penal Code, or any local public officer designated by the Board.

(1) The Retreader shall submit the completed Retreader Trip Log to the Board within ninety (90) days of the load shipment.

~~(e)(d)~~ If approved by the Board pursuant to Public Resources Code Section 42961.5, any person ~~waste tire hauler~~ that is subject to the requirements set forth in above (a), (b), or (c) Manifest Form and Tire Trip Log requirements of this section, may substitute their own form, once approved by the Board, in lieu of the Board required form and submit an electronic report within ninety (90) days of the load shipment to the Board, in lieu of submitting the required form~~completed original copy of the Tire Trip Log, which is~~

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~~required.~~ The electronic report shall include all information required to be on the Comprehensive Trip Log, Retreader Trip Log, or Manifest and Tire Trip Log forms, ~~and any other information required by the Board.~~

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18459.3. Maintenance of Comprehensive Trip Logs, Retreader Trip Logs, Manifest Forms and Tire Trip Logs.

(a) The waste ~~tire dealer,~~ waste tire generator, and end-use facility ~~and waste tire hauler~~ shall retain a copy of the completed Manifest Form, ~~or receipt from the Comprehensive Trip Log,~~ or Board approved EDT form at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(1) If the waste or used tire is a tire casing being shipped to or from a generator, ~~tire dealer,~~ or end use facility for inspection, retreading, ~~recasing,~~ or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(b)(c) may be substituted for the Manifest form or receipt from the Comprehensive Trip Log. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

(b) The waste tire hauler shall retain a copy of the completed Board approved EDT form, Comprehensive Trip Log, or the Manifest Form and Tire Trip Log at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(1) The Retreader shall retain a copy of the completed Retreader Trip Log and corresponding invoices at their place of business for a period of three (3) years. These records shall be made available to any authorized representative of the Board upon request.

(c) Any person using Electronic reporting, including used and waste tire generators and end-users, must retain a copy of the Board approved EDT form from the waste tire hauler or Retreader at their place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

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**18460.1. Waste Tire Manifest System Requirements for Agricultural Uses
Exemption.**

(a) As provided in §18459(a)(1), ~~T~~the agricultural exempt waste tire hauler shall not transport 10 or more used or waste tires without having a copy of the Comprehensive Trip Log or Manifest Form and Tire Trip Log in the vehicle while transporting the used or waste tires. The Comprehensive Trip Log or Manifest Form and Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, or any local public officer designated by the Board.

(b) The agricultural exempt waste tire hauler shall leave one copy of the Manifest Form or receipt from the Comprehensive Trip Log with the ~~tire dealer~~, waste tire generator, or end-use facility after the form has been completed with the required information.

(c) The agricultural exempt waste tire hauler shall submit the completed original Comprehensive Trip Log or original of the Tire Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log or Tire Trip Log shall contain the signature of the agricultural exempt waste tire hauler representative.

(d) The agricultural exempt waste tire hauler may destroy the "hauler" copy of the Comprehensive Trip Log or Manifest Form and Tire Trip Log upon reaching the end-use facility.

(e) The agricultural exempt waste tire hauler shall not haul used or waste tires to an end-use facility not legally authorized to accept used or waste tires.

(f) The agricultural exempt waste tire hauler shall contact the Board and provide the name of the company, name of the person, and phone number of a ~~tire dealer~~, waste tire generator, or end-use facility who does not properly complete the manifest.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42951, 42954, and 42961.5, Public Resources Code.

**18460.1.1. Waste Tire Manifest System Requirements for Common Carrier
Exemption.**

(a) As provided in §18459(a)(1), ~~T~~the common carrier approved for exemption pursuant to Public Resources Code Section 42954 shall not transport 10 or more used or waste tires without having a copy of the Comprehensive Trip Log or Manifest Form and Tire Trip Log in the vehicle while transporting the used or waste tires. The Comprehensive Trip Log or Manifest Form and Tire Trip Log shall be shown upon demand to any representative of the Board, any officer of the California Highway Patrol, any peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, or any local public officer designated by the Board.

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- (b) The exempt common carrier shall leave one copy of the Manifest Form or receipt from the Comprehensive Trip Log with the ~~tire dealer~~, waste tire generator, or end-use facility after the form has been completed with the required information.
- (c) The common carrier shall keep one copy of the ~~fully~~ completed Comprehensive Trip Log or Manifest Form and Tire Trip Log.
- (d) The common carrier shall submit the completed original Comprehensive Trip Log or of the Tire Trip Log to the Board within ninety (90) days of the load shipment. The Comprehensive Trip Log or Tire Trip Log shall contain the signature of the common carrier representative.
- (e) If the used or waste tires are transported from a collection center, a new Manifest Form or receipt from the Comprehensive Trip Log shall be used until the waste tires reach an end-use facility.
- (f) The common carrier shall not haul used or waste tires to an end-use facility not legally authorized to accept used or waste tires.
- (g) The common carrier shall contact the Board and provide the name of the company, name of the person, and phone number of a ~~tire dealer~~, waste tire generator, or end-use facility who does not properly complete the manifest.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42951, 42954, and 42961.5, Public Resources Code.

18460.2. Waste Tire Manifest System Requirements for Waste Tire Haulers.

- (a) The registered waste tire hauler shall show the ~~tire dealer~~ or waste tire generator the waste tire hauler registration for the vehicle being used to transport the used or waste tires.
- (b) As provided in §18459(a)(1), ~~t~~The registered waste tire hauler shall complete a new Manifest Form or receipt from a Comprehensive Trip Log for each pick-up or delivery of any used or waste tires in accordance with the directions on the form. If a Manifest Form is used, Each pick-up or delivery of used or waste tires shall also be entered on the Tire Trip Log in accordance with the directions on the form. The waste tire hauler shall not transport any used or waste tires without having a copy of the Manifest Form and Tire Trip Log or Comprehensive Trip Log in the vehicle transporting the used or waste tires.
 - (1) As provided in §18459(a)(2), the registered waste tire hauler may substitute their own form, once approved by the Board, in lieu of the Board required form and substitute an electronic report for the Manifest Form and Tire Trip Log or Comprehensive Trip Log.
- (c) A vehicle may contain used or waste tires from different ~~tire dealers~~ or waste tire generators. Used or waste tires from each generator shall be accompanied by their own Manifest Form or receipt from the Comprehensive Trip Log from point of origin.

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- (d) The waste tire hauler shall leave one copy of the Manifest Form or a completed receipt from the Comprehensive Trip Log with the ~~tire dealer~~, waste tire generator, or end-use facility after the form or receipt has been completed
- (e) The waste tire hauler shall keep one copy of the ~~fully~~ completed Manifest Form or Comprehensive Trip Log.
- (f) The waste tire hauler shall not haul used or waste tires to an end-use facility not legally authorized to accept used or waste tires.
- (g) The waste tire hauler shall contact the Board and provide the name of the company, name of the person, and phone number of the ~~tire dealer~~, waste tire generator, or end-use facility who does not ~~properly~~ provide the necessary information to the hauler in order to complete the manifest or Comprehensive Trip Log.
- (h) The waste tire hauler shall not transport the used or waste tires without a properly completed Manifest Form and Tire Trip Log or Comprehensive Trip Log.
- (i) Those waste and used tire haulers exempt from registration pursuant to Public Resources Code section 42954 shall be required to comply with the manifest requirements of Subsections (b) through (h) if they haul a load of 10 or more waste or used tires; however will not be allowed to participate in the electronic reporting as provided in (b)(1).
- ~~(1) For purposes of Amnesty Day Event or a One-time Exemption, when authorized by the Local Enforcement Agency in writing, unregistered waste tire haulers shall be required to comply with the manifest requirements of Subsections (b) through (h) if they haul a load of 20 or more waste or used tires.~~

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42951, 42954, 42956, and 42961.5, Public Resources Code.

18460.2.1 Waste Tire Manifest System Requirements for Retreaders.

- (a) A registered waste tire hauler meeting the requirements set forth in §18450(a)(19) shall complete, sign under penalty of perjury, and submit the Retreader Self-Certification Form (CIWMB 173) to the Board before the Board deems that registered waste tire hauler to be a Retreader.
- (b) ~~The Retreader shall show the tire dealer or waste tire generator the Retreader registration card for the vehicle being used to transport the tire casings.~~
- (c) The Retreader shall complete an invoice in accordance with §§18459.2.1 ~~(b)~~ (c) and 18461(a)(1) for each pick-up or delivery of tire casings. Notwithstanding §18459(d), ~~Each~~ pick-up or delivery of tire casings shall also be entered on the Retreader Trip Log in accordance with the directions on the form. The Retreader shall not transport any tire casings without having a copy of the invoice and Retreader Trip Log in the vehicle transporting the tire casings.

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- (d) A vehicle may contain tire casings from different ~~tire dealers or~~ waste tire generators. Tire casings from each generator shall be accompanied by their own invoice form from point of origin.
- (e) The Retreader shall leave one copy of the invoice form with the ~~tire dealer~~, waste tire generator, or end-use facility after the invoice form has been completed
- (f) The Retreader shall keep one copy of the fully completed invoice form.
- (g) The Retreader shall not haul tire casings to an end-use facility not legally authorized to accept used or waste tires.
- (h) The Retreader shall not transport the tire casings without a properly completed invoice form and Retreader Trip Log.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18461. Manifest System Requirements for Waste Tire End-Use Facilities.

The Waste Tire Manifest System requires specific actions on the part of end-use facilities including, but not limited to, the following:

(a) ~~As provided in §18459.3.(a), a~~ An end-use facility shall ~~complete, retain a copy, and forward the original of the Manifest Form, Board approved EDT form, or the completed receipt from the Comprehensive Trip Log provided by the registered hauler, to the Board pursuant to Section 42961.5 of the Public Resources Code and the directions on the form when accepting used or waste tires from a waste tire hauler.~~

(1) If a tire casing is being shipped to an end use facility for inspection, retreading, ~~recasing~~, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1~~(b)~~(c) may be substituted for the Manifest form.

(b) The waste tire end-use facility may accept the used or waste tires from waste tire hauler(s) who are not registered with the Board and/or has no manifest as provided below:-

(1) If waste or used tires are received from a registered hauler that does not have a Comprehensive Trip Log, the end use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) within 48 hours of the tire delivery and submit the form to the CIWMB within 90 days ~~to the Board.~~

~~(e)~~(2) The end-use facility shall complete the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit it to the Board within 30 days of the acceptance of 10 or more waste or used tires from a person who is not registered as a waste tire hauler unless that person both the end-use facility and tire hauler portions of the Manifest Form indicating receipt of 10 or more waste and used tires from unregistered waste tire haulers, unless the hauler has written authorization by the Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption

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and is transporting no more than 20 waste or used tires to the end-use facility. ~~The completed Manifest Form shall be submitted to the Board.~~

(3) If the person is hauling 20 or more waste or used tires under the written authorization of a Local Enforcement Agency for purposes of an Amnesty Day Event or a One Time Exemption, the end-use facility shall report this information on the Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) and submit the form to the Board within 30 days of the acceptance of waste or used tires from that person.

~~(d)~~(c) End-use facility operators shall make available for review by the waste tire hauler any Board issued permit, ~~exclusion~~ exemption from waste tire facility permitting requirements, or any local permit or license allowing the storage of used or waste tires on the site.

Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42951 and 42961.5, Public Resources Code.

18462. Manifest System Requirements for ~~Tire Dealers~~ or Waste Tire Generators.

(a) ~~A tire dealer or~~ waste tire generator shall not give, contract, or arrange with another person to transport used or waste tires unless that person is a registered waste tire hauler or is exempt under Public Resources Code Section 42954.

(1) If a tire casing is being shipped from a generator for inspection, retreading, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(c) may be substituted for the Manifest form. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.

~~(b) As provided in §18459.3.(a), a~~ A tire dealer or waste tire generator shall retain a Board approved EDT form, completed receipt from the Comprehensive Trip Log provided by the hauler, or , retain a copy, and forward the original Manifest Form to the Board. pursuant to Section 42961.5 of the Public Resources Code and the directions on the form when a used/waste tire hauler picks up used or waste tires.

~~(1) If a tire casing is being shipped from a generator or tire dealer for inspection, retreading, recasing, or recapping by a Retreader, an invoice as required pursuant to 18459.2.1(b) may be substituted for the Manifest form. This invoice shall be retained at the place of business for a period of three (3) years and be made available to any authorized representative of the Board upon request.~~

(c) If waste or used tires are removed from the generator's location by a registered waste tire hauler and a completed receipt from the Comprehensive Trip Log is not provided, the generator shall complete a Unregistered Hauler & Comprehensive Trip Log Substitution Form (CIWMB 204) within 48 hours of the tire removal and submit the form to the CIWMB within 90 days.

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Note:

Authority cited:

Sections 40502, 42966, and 43020, Public Resources Code.

Reference:

Sections 42950, 42951, 42952, 42953, 42961.5, and 42962, Public Resources Code.

18463. Civil Penalties.

Any ~~tire dealer~~, waste tire generator, end-use facility, or waste tire hauler, or any party or person who commits any of the following acts shall be liable for a civil penalty:

- (a) Intentionally, or negligently violates any permit, rule, regulation, standard, or requirement pursuant to Chapter 19 of the Public Resources Code relating to the generation, transportation or disposal of used or waste tires.
- (b) The aiding or abetting, or allowing of any violation, or noncompliance with any permit, rule, regulation, standard, or requirement pursuant to Chapter 19 of the Public Resources Code relating to the generation, transportation or disposals of used or waste tires.
- (c) Any violation of, or noncompliance with any order issued by the Board or by a hearing officer or a court relating to the generation, transportation or disposal of used or waste tires.
- (d) Any false statement, misrepresentation, or omission of a significant fact or other required information in the application for a waste tire hauler registration, Comprehensive Trip Log, Retreader Trip Log, Manifest Form or Tire Trip Log forms, or in information regarding these matters subsequently reported to the Board.
- (e) In addition to liability for a civil penalty, the Board may:
 - (1) File a claim against any registered waste tire hauler surety bond for activities resulting from the illegal disposal of tires or injury.
 - (2) Deny, suspend, or revoke a waste tire hauler registration.

Note:

Authority cited:

Sections 40502 and 42962, Public Resources Code.

Reference:

Section 42962, Public Resources Code.

18464. Amount of Civil Penalties and Administrative Penalty Schedule

- (a) Civil penalties may be imposed administratively in accordance with the following penalty tables:
 - 1. For waste and used tire haulers, tire generators, and end-use facilities, using Penalty Table I;
 - A. Determine what violations have occurred.
 - B. Determine the number of violations or offenses that have occurred.
 - C. Add up the penalties to determine the applicable fine.

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2. For unregistered waste and used tire haulers, using Penalty Table II:
 - A. Determine the number of violations or offenses.
 - B. Find the number of tires hauled for each load.
 - C. Determine whether any other violations listed in Table I have occurred and add that fine to the fine from Table II to determine the total fine.

(b) Pursuant to Public Resources Code sections 42843, 42851(b), 42960, and 42962, a person waives the right to a hearing when that person fails to submit to the Board a Notice of Defense pursuant to Government Code section 11506 or CIWMB Request for Hearing form within 15 days of service of the administrative complaint on that person.

Note:

Authority cited:

Sections 40502 and 42962, Public Resources Code.

Reference:

Section 42962, Public Resources Code.

18466. Procedure for Imposing Civil Penalties

(a) Civil Penalties may be administratively imposed pursuant to the Administrative Procedure Act Government Code Section ~~41370~~ 11500 et seq.

(b) Civil penalties may be imposed pursuant to the Public Resources Code Section 42962 in the discretion of the trier of fact in the civil proceeding.

Note:

Authority cited:

Sections 40502 and 42962, Public Resources Code.

Reference:

Section 42962, Public Resources Code.

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Penalty Tables for Chapter 6, Article 8.5, Section 18464

Penalty Table I: For Tire Haulers, Tire Generators, and End-Use Facilities

Violation	Description of Violation	1st Offense	2nd Offense	3rd Offense and Subsequent Offenses
PRC 42951(b)	Failure of tire haulers to transport waste or used tires to a facility that is permitted, excluded, exempted, or otherwise authorized by the board, by statute or regulation, to accept waste or used tires, or to a facility that lawfully accepts waste or used tires for reuse or disposal. (major, minor).	\$1,000-\$3,000	\$2,000-\$4,000	\$3,000-\$5,000
PRC 42952(b)	Falsely advertising or representing himself or herself as being in the business of a waste and used tire hauler without being registered as a waste or used tire hauler by the board.	\$1,000-\$2,000	\$2,000-\$4,000	\$4,000-\$5,000
PRC 42953	Any person who gives, contracts, or arranges with another person to transport waste or used tires and fails to utilize a tire hauler holding a valid waste and used tire hauler registration from the board (unless the tire hauler is exempted from registration requirements as specified in Public Resources Code Section 42954).	\$500-\$1,000	\$1,000-\$2,000	\$2,000-\$3,000
PRC 42956	Failure to carry waste or used tire hauler registration in vehicle; failure to permanently affix tire hauler decal to the lower right hand corner of the windshield.	\$100-\$500	\$1,000-\$3,000	\$3,000-\$5,000
PRC 42956(c)	Failure to present waste or used tire hauler registration upon the demand of an authorized representative of the board.	\$100-\$500	\$500-\$1,000	\$1,000-\$1,750
PRC 42961.5	<u>Comprehensive Trip Log, Manifest Violations, or Electronic reporting</u> ; including failure to submit <u>the Comprehensive Trip Log, manifests, or Electronic reporting</u> on a quarterly basis, missing information, incomplete information, and false information	\$100-\$500	\$500-\$1,000	\$1,500-\$2,500
14 CCR 18456.1(b)	Failure to maintain surety bond in full force and effect during all registration periods.	\$500-\$1,000	\$1,000-\$2,000	\$2,000-\$3,000
14 CCR 18456.3	Failure to notify board of changes in information provided on registration application form (CIWMB 60) as required by 14 CCR 18456.3.	\$100-\$300	\$500-\$1,000	\$1,500-\$2,000

Penalty Table II: (Violation of PRC Section 42951(a))

Violation	10-20 Tires Per Load	21-40 Tires Per Load	41-100 Tires Per Load	More Than 40 100 Tires Per Load
Unregistered Hauler (1st Offense)	\$100-\$500	\$500-\$750	\$500-\$1,000	\$1,000-\$2,000
Unregistered Hauler (2nd Offense)	\$500-\$1,000	\$750-\$1,250	\$1,000-\$1,750	\$2,000-\$4,000
Unregistered Hauler (3rd Offense, etc)	\$1,000-\$1,750	\$1,250-\$2,000	\$1,750-\$2,750	\$3,000-\$5,000

California Integrated Waste Management Board

Board Meeting

November 9-10, 2004

AGENDA ITEM 3

ITEM

Discussion and Request for Direction on Proposed Revisions to the California Uniform Waste and Used Tire Manifest System

I. ISSUE/PROBLEM STATEMENT

At Board Member direction, CIWMB staff developed and implemented the current automated California Uniform Waste and Used Tire Manifest System (WTMS) in 2003-04, in response to the requirements of SB 876. The WTMS is an integral part of the Board's overall tire enforcement program, as it provides a regulatory process under which all of the participants must report all tire transactions. The current WTMS has been in operation since July 1, 2003, and has encountered a number of challenges, including: lack of funding for additional CIWMB staff to support the WTMS; the addition of a newly regulated community of 10,000-12,000 tire dealers and generators who had to be identified and educated on WTMS requirements; and, a high volume of reporting forms generated by the entire regulated community of tire dealers, haulers and end use facility operators.

In early 2004, staff were directed to accelerate review of the tire manifest program and develop options for the Board to consider that would simplify the waste tire tracking and reporting process, improve the efficiency of the Waste Tire Manifest System and reduce the paperwork volumes.

The purpose of this item is for the Board to consider the WTMS as currently structured and to review proposed revisions that could improve the efficiency and effectiveness of the tracking system by reducing the amount of paperwork while maintaining the ability of the Board to achieve the stated Waste Tire enforcement and market development objectives (see section V, Background, Critical Issues to Consider). These proposals are:

1. Utilizing the existing WTMS, more fully implement electronic submittal of data, through Electronic Data Transfer (EDT) and a Web-based data entry site for waste tire haulers to enter their information via the Web. The EDT and Web-based data entry allow the hauler to report on behalf of the generator and the end-use facility, using their own CIWMB approved invoice. The WTMS will remain primarily a paper-based system, as staff anticipate that many haulers will be unable or unwilling to use EDT and Web-based data entry, and instead will continue to use paper reporting documents. As part of this proposal, staff would develop software that would maintain customer lists and print client information on the manifest and/or trip logs to assist the generator, hauler and end-use facility with the paperwork burden.
2. Develop a Comprehensive Trip Log (CTL) form that would be completed and submitted by the hauler on behalf of the generator and the end-use facility, in place of the current manifest form and trip log. This option is based on a new form completed by the hauler, who provides trip log "receipts" to the generator and the end use facility. The CTL could be submitted electronically, or via paper format for electronic scanning.

3. Develop a summary reporting system that requires all waste tire haulers, generators and end use facilities to submit a monthly report to the CIWMB, summarizing the number of waste tires generated, hauled or put to an end use, by TPID number, in place of the current manifest form and trip log. This option is based on a hauler invoice, with all entities reporting. Monthly reports could be submitted electronically, or via paper format for electronic scanning.

II. ITEM HISTORY

The Board has a long and involved history with waste tires as shown below in past legislation and Board action:

- Senate Bill (SB) 744 (McCorquodale, 1993) established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. These regulations became effective on May 9, 1996. Under this system, the waste tire hauler was required to register his business and vehicles annually. In addition, each generator, hauler and end-use facility was required to complete a portion of a manifest form for tire transactions, and maintain a copy of the manifest form for 3 years. These entities were not required to submit copies to the CIWMB.
- Assembly Bill (AB) 117 (Escutia, 1998) required the Board to prepare a report to the Legislature on the waste tire program in effect at that time, and to make recommendations by June 30, 1999 for needed changes. The Board adopted the final version of the report entitled "California Waste Tire Program Evaluation and Recommendations" at its June 22, 1999 meeting. This report recommended that the manifest system in place at that time be continued, with the following modifications:
 - "Close the loop" on accountability, i.e. have copies of each manifest returned to the Board for monitoring.
 - Account for imported scrap and used tires.
 - Provide for "one time hauls" to support amnesty days and individual clean up of small tire piles.
 - Increase from five to ten the maximum number of waste and used tires that could be transported without having to obtain a waste tire hauler permit.
 - Develop a process to allow a hauler to temporarily substitute a replacement vehicle for a permanently registered vehicle.
- SB 876 (Escutia, 2000) requires copies of each manifest to be submitted to the Board for monitoring tire loads and the movement of tires within California. Based on this, Board staff modified the Waste Tire Manifest and Waste Tire Hauler Registration and manifesting regulations in effect at that time to incorporate these changes so that the Board would receive a copy of the completed manifest document for each transaction performed by the waste tire generator, hauler, and waste tire end-use facility. This legislation also required the Board to enhance the manifest system and make the manifest available in electronic format, which would make it possible to submit information to the CIWMB electronically.
- Board staff conducted public workshops in November 2001 to discuss and obtain comments on the proposed "California Uniform Waste and Used Tire Manifest System." Numerous comments were received from industry concerning this new manifest system. These comments were considered during the initial design and development of the documents.
- In March 2002, staff conducted a "testing phase" of the new form prototypes by

selecting a small group of waste tire generators, haulers, and end-use facilities to participate in using these documents for a two-week period. The information collected during this “testing phase” was crucial and resulted in the development of the final prototypes for implementation in the summer of 2003.

- During the October 7, 2002 Special Waste and Market Development Committee meeting, staff was directed to commence the 45-day comment period to implement regulatory changes that were consistent with SB 876 and the newly created "California Uniform Waste and Used Tire Manifest System."
- On December 6, 2002, the proposed changes to the Waste Tire Hauler Registration and Manifesting Regulations were publicly noticed with the Office of Administrative Law, which initiated the 45-day comment period ending on January 27, 2003.
- On February 4, 2003, the Special Waste and Market Development Committee held a public hearing for the 45-day public comment period for these regulations. Staff was directed to publicly notice the proposed changes to the Waste Tire Hauler Registration and Manifesting Regulations for an additional 15-Day Comment Period.
- On April 16, 2003 the Waste Tire Hauler Registration and Manifesting Regulations were submitted to the Office of Administrative Law (OAL). OAL approved these regulations on May 28, 2003, and they took effect on July 1, 2003.
- In June 2004, the Special Waste Division brought the Emergency Regulations for Retreaders to the Board, in order to alleviate some of the workload for the retread industry. The Retreader Trip Log (CIWMB 180) was introduced to accomplish the capture of information, provide a document for use while transporting tire casings, and to reduce the burdensome requirements of the manifest system for this group of haulers. Less regulatory scrutiny is required to monitor tire casings, because tire casings are a valuable commodity so there is no incentive to illegally dispose of them.
- On August 19 and September 8, 2004 workshops were held in Sacramento and Diamond Bar to obtain stakeholder input on ways to improve the efficiency and simplify the process used in the Waste and Used Tire Manifest System. Some suggested remedies included a simpler manifesting document, the “Comprehensive Trip Log,” and further expanding the usefulness of EDT and a Web-Based Data Entry for haulers to input their manifest information and minimize their reporting requirements.

III. OPTIONS FOR THE BOARD

Following are the actions the Board may take, based upon the proposed options below, to modify the Waste and Used Tire Manifest System (WTMS).

The Board may:

- A. Direct staff to implement any of the proposed options listed below;
- B. Modify and then direct staff to implement any of the proposed options listed below;
- C. Direct staff to provide additional information, and bring the proposed options back to a future meeting of the Board.
- D. Direct staff to further develop the options and seek stakeholder input and bring the proposed options back to a future meeting of the Board.

A. Proposed Modifications to the California Uniform Waste and Used Tire Manifest System (WTMS) for Board Consideration

The following is a summary of three proposed options for Board consideration. Each option is described in more detail in attachments to this agenda item.

Option 1 – More fully implement electronic data submittal for the existing paper based Waste and Used Tire Manifest System.

Continue to implement the current paper-based WTMS that requires every generator, hauler and end-use facility to document each tire transaction and then to submit a copy of that transaction in the form of a completed manifest or trip log to the CIWMB for tracking and reconciliation. Implementation would continue with the suggested improvements detailed below:

- Continue the paper form process and expand the Pilot Electronic Data Transfer (EDT) project. The EDT module allows haulers to report on behalf of the generator and end-use facility, and to send data from their tire transactions to the Board electronically on a monthly schedule. The data is generated through software programmed to extract the data from the participating hauler's internal accounting system or operation. This project is based on use of the hauler's invoice, as approved by the CIWMB to ensure it captures all required information.
- Test and implement a new Web-based data entry option that has been developed by staff, which would allow the hauler to report on behalf of the generator and end-use facilities, using the hauler's own invoice form, once it is reviewed and approved by the CIWMB to ensure all required information is captured. The Web-based data entry allows anyone with an Internet connection to access the Board's Tire website where all tire transaction information can be entered, in lieu of submitting the paper forms.
- Develop a software package that would allow haulers who cannot or prefer not to utilize EDT or Web-based data entry to input their client base onto a trip log or similar document. The client information would be retained by the hauler and updated when needed. The software could be created specifically for each hauler upon request and would simplify the process and make it easier to complete the forms.

Discussion of Option 1

This option proposes to fully implement electronic submittal of data, through the current paper manifest and trip logs, Electronic Data Transfer (EDT) and Web-based data entry. For EDT and Web-based data entry, waste tire haulers will enter their information via the Internet, and will report on behalf of the generator and the end-use facility, using their own CIWMB-approved invoice. This option also includes the development of software for those haulers that would continue to use paper documents. The benefit of this software would be that it helps the business maintain customer lists and would allow the hauler to print client information on the WTMS manifest, trip log or similar document.

Issues arising from the use of the current manifest and trip log forms.

Time to complete the form. According to participants attending the workshops, the current manifest and trip log forms take too much time to complete. Estimates are that it takes from about 90 seconds to 180 seconds per form depending on the individual and whether the hauler or generator is using a rubber stamp to provide some of the standard information like name and address. Beyond these factors there are basically no other 'costs' to the generator, hauler or end use facility. The CIWMB supplies all forms and

pays for postage.

It should be noted that the haulers have prior experience with the CIWMB in the use and submittal of manifests, because, in the manifesting system in place in the 1990's, haulers and generators were requested, not required, to submit tire load manifests to the Board for reporting purposes. Manifesting is a common business practice.

Form Completion. Many forms are not being completed correctly, so the automated readability is a significant problem, which contributes to the administrative burden for the Board. Also, many participants are not providing complete and accurate information (e.g, entering "whole tire count" with a fractional value or not checking the box indicating whether the load is a "pickup" or "delivery").

Form handling by regulated community. The manifest and trip logs are designed to function as pre-paid mailers that are returned to the CIWMB when they are completed. Many of the forms are returned damaged or improperly sealed (i.e., taped, stapled or other mail affixed to them), which slows or interrupts the automated form processing, requiring manual processing and significantly increasing administrative overhead.

Required reporting. There is a 90-day mandated reporting deadline for submitting manifest information to the CIWMB. There is inconsistent adherence to reporting requirements, which makes reconciling pickups and deliveries within the WTMS difficult. There is also difficulty in reconciling a report of inconsistent load type, which can be based on count, volume, or weight, since volume measures are often inaccurate and 'counts' don't translate very accurately to weight (4 truck tires may actually weigh more than 10 passenger car tires). So, unless the reporting of the load type is consistent between the generators, haulers, and end-users, the reconciliation of a particular load will be difficult to accomplish.

Expanded use of EDT and Web-based data entry will, to some extent, address the problems noted above and improve responsiveness. In addition, continued use and expansion of the current system, with the more detailed information it captures, will provide the benefits discussed below.

Use of data from existing WTMS.

Reconciliation of Waste Tire Hauler Trips. The existing system has the ability to provide reconciliation of tire transactions at the load level, (i.e, to track each load of tires from pickup to ultimate delivery), which provides for the best method of ensuring the "closed loop on accountability" discussed in the AB 117 report. This potential has not been realized to date, however, because of the data entry and other problems noted above.

Ability to track registered hauler violations. Under the current Manifest Program, staff have the ability to identify hauler violations. For example, by January 1 of each year, haulers are required to renew their Hauler Registration for the new calendar year. Typically, more than 20% (twenty percent) of the haulers fail to renew their registrations, and there are a small number of haulers (<2%) that fail to renew their registrations after cancellation has occurred, but that continue to haul waste tires illegally. The current Manifest System now conceptually allows for staff to track these non-renewals and determine if they are continuing to haul waste tires without the required registration

(since each tire transaction is supposed to be reported and there are cross-checks because of the linked submittals by the hauler, generator and end-user).

In addition, the end-use facility is required to complete a manifest for any unregistered hauler that brings 10 (ten) or more waste tires to their location. With this form, staff is able to identify the unregistered hauler and determine if this is a single time occurrence or if a business is removing their tires to circumvent the law. The CIWMB receives approximately 10-30 (ten to thirty) notifications per month.

With the submission of the manifest and trip log forms, staff is also able to identify those individuals that are using the incorrect decal assigned for a particular vehicle. This may be the result of not affixing the current year decal or mismatching the assigned decal to the proper vehicle. In either situation, staff is able to contact the operator and advise them of this error.

WTMS data as an enforcement tool. To date, the manifest system has identified over 50 haulers operating without the required registration, decals, or certified vehicles. In addition, approximately 7,500 generators may be operating outside the current requirements of the waste tire requirements. This information was found as a result of reviewing tire locations that have not submitted any manifesting paperwork.

A preliminary study shows that 34% of these facilities are currently out of compliance. Staff are attempting to relieve some of the reporting requirements and reduce the paper documentation needed with this process. Smaller, less advanced waste tire haulers who do not have the electronic capability of EDT or Web-based data entry will be able to continue to use a scannable paper format of the manifest and trip log.

Table 1 in Attachment A provides a more detailed description of this option, along with a summary of pros and cons.

Option 2 – Implement a Comprehensive Trip Log (CTL) based system in place of the existing manifest and trip log.

This option would eliminate the existing manifest and trip log forms, and instead would require completion of a single, paper Comprehensive Trip Log (new form) by the Hauler for transportation of waste or used tires. It builds from the “only the hauler reports” approach currently used with the EDT and Web-based reporting mechanisms. Like the above approach, it allows the hauler to report tire transactions on behalf of the generator and end-use facility using a single form.

Under this option, the hauler would 1) obtain and report all required information on tire transactions, including the identification of the generator and the end use facility, 2) provide the generator and end use facility with a Trip Log Receipt for each load; and 3) submit the CTL form to the CIWMB within 14 days of the tire transaction. The Trip Log receipts provided to the generator and end use facility would be maintained by them for 3 years at their facility location for enforcement purposes.

Reporting of the information collected under this option would be by electronic data submittal through EDT and Web-based data entry, as well as by the paper form.

Discussion of Option 2

In lieu of the existing manifest and trip log forms, staff has developed a draft “Comprehensive Trip Log” which captures required information that is currently on both the manifest and trip log forms, yet offers an easier and less time consuming process for the haulers. Under this option the haulers will be responsible for the submission of the information on behalf of the generators and end use facilities using the “only the hauler reports” approach of the EDT and Web-based data entry.

As currently envisioned, the Comprehensive Trip Log would have two major sections. The top section contains information on the hauler (name, address, registered hauler decal, license plate number, etc.). The bottom portion would consist of small perforated sheets or receipts that would be filled out by the hauler and used as an invoice receipt to be given to the generator or end-use facility, showing a legitimate pick up or delivery. The generator and end-use facility would retain the invoice receipt as a record for 3 years. The hauler would send the full copy of the Comprehensive Trip Log form to the CIWMB, and would maintain a second copy of the full form for his records. The CTL form provides the mechanism for the hauler to report tire transaction data on behalf of the generator and end-use facility, thus eliminating the need for either the generator or end-user to report to the Board.

The submitted Comprehensive Trip Log information would be received by CIWMB, scanned into the WTMS database and be viewable by the generator or end-use facility for verification via the Web on the Board’s Tire Site.

Staff has developed the CTL format to relieve the burden of the current manifest reporting requirements and to reduce the paper documentation needed with this process while maintaining the capability to capture the pertinent information useful as regulatory and enforcement tools to determine if waste tire haulers, generators and end-use facilities are complying with the requirements of the Waste Tire statutes.

It is anticipated that the Comprehensive Trip Log option could reduce the overall submission of paper records to the CIWMB up to 75%, which would result in a significant cost savings to the Board by reducing the number of forms processed, and scanned, with similar reductions printing and postage. This Option would still allow for accountability for all parties.

Table 2, Attachment B provides a more detailed description of this option, along with a summary of pros and cons.

Option 3 – Implement a Summary Monthly Reporting system for all generators, haulers, and end-use facilities

This option would eliminate the existing manifest and trip log forms, and instead would require **each** generator, hauler and end-use facility to submit to the CIWMB a monthly summary report, in a reporting format developed by the Board.

The report would provide summary information only on the number of tires generated, the tire generator’s location, the number of tires hauled by a registered hauler, and the number of tires processed by the end use facility, along with identifying information such as names, addresses, and TPID numbers.

Reporting of this information would be done by electronic data submittal through EDT and Web-based data entry, as well as the paper form.

Discussion of Option 3 –

This system proposes to eliminate the current Waste Tire Manifest System and replace it with a monthly Summary Report of various tire transactions. Under this option, the hauler, generator and end-use facilities would be no longer be required to complete the manifest and trip logs, or submit them to the Board for review.

Instead, like the current WTMS, each hauler, generator and end-use facility would be required to report. Each would prepare and submit a monthly summary report on the number of waste or used tires removed from their location, hauled, or received at their location, by TPID number. Reporting would use hauler invoices and receipts as the basis for recordkeeping. Copies of invoices and receipts would be required to be maintained at the place of business for 3 years for enforcement purposes.

The responsibility for this mandatory reporting falls upon each entity that is part of the tire transaction. It does not provide for the hauler to report on behalf of the generator and end-use facility, as with Options 1 and 2 above. Each entity will have to use an existing internal tracking system, or create one, that will allow them to accurately compile and maintain records upon which to base the monthly summary report. This may result in significant data accuracy problems and possible burdens for the hauler, generator and end-user to maintain and secure records each month for the required reporting.

It is anticipated that the Summary Monthly Reporting option could reduce the overall submission of paper records to the CIWMB by approximately 40-45%, which would result in a significant cost savings to the Board by reducing the number of forms processed, and scanned, with similar reductions printing and postage.

The information compiled through the Monthly Summary Reports on tire transactions would provide a information on transactions between generators, haulers and end use facilities in terms of total tires handled for each month, but would not provide individual load dates or amounts, type of tires, or information regarding hauler registrations and truck decal information. With Monthly Summary Reports, it would not be possible to reconcile tire trips or track pickup and deliveries by a particular hauler for a particular point in time. Copies of invoices that support the Monthly Summary Report on tire transactions will be required to be kept at each generator, hauler and end use location, so that enforcement staff can examine them as part of an inspection; however any level of “reconciliation” of tires would be difficult and enforcement staff intensive as invoices at each location would have to be reviewed and compared to each entity’s monthly summary, and then substantiated with generators and end-use facilities with whom the hauler did business.

Table 3, Attachment C provides a more detailed description of this option, along with a summary of pros and cons.

IV. STAFF RECOMMENDATION

Staff have not provided a recommendation, as this item is presented for discussion and direction from the Board.

V. ANALYSIS

A. Key Issues and Findings

Background

Prior to July 2003, when the new manifest system became effective, each party to tire transactions -- the generator, hauler and end-use facility -- completed a portion of a 4-page, 3-part manifest form, and retained a copy of the form for 3 years. The CIWMB did not receive any documentation from these transactions, which meant that it was not possible to follow the tires from point of generation to the end use, since the manifests were not required to be submitted to the Board, where they could be audited for enforcement purposes. These problems were addressed in the AB 117 report and in the requirements enacted in SB 876.

In 2000, the Legislature enacted Senate Bill 876 (Escutia, Statutes of 2000, Chapter 838), a comprehensive measure to manage waste and used tires in California. One of the key provisions of the statute requires the CIWMB to prepare a five-year plan for the state's tire management program and update the plan every two years. The program elements identified in the statute that must be included in the plan are:

- Enforcement and regulations relating to the storage of waste and used tires;
- Cleanup, abatement, or other remedial actions related to tire stockpiles throughout the state;
- Research directed at promoting and developing alternatives to the landfill disposal of tires;
- Market development and new technology activities for used tires and waste tires; and
- **Development of a used and waste tire hauler program and manifest system.**

Over the last several years, Board staff have been working to implement a Waste Tire Manifest Program pursuant to the requirements of Senate Bill (SB) 876 and Board Member direction. The Waste Tire Manifest Program was built to work in conjunction with another key component of the Board's tire management program, the Waste Tire Hauler Registration Program. The purpose of the Waste Tire Hauler Registration Program is to ensure that waste and used tires are picked up and disposed properly by waste tire haulers who are registered by the Board so that the illegal dumping, disposal and stockpiling of waste tires at non-permitted facilities or sites throughout the state can be stopped.

These two components of the Board's tire management program both complement and support the Board's overall tire enforcement efforts, which encompass inspections done by grantees and field staff; enforcement actions by grantees, the Board, District Attorneys, and the Attorney General's office; permitting of tire facilities; complaint investigation; and aerial surveillance to identify illegal tire piles.

At the highest level, the primary intent of California laws relating to waste tires is:

- To reduce illegal storage and disposal of tires to minimize the effect on public health and the environment, and
- To foster alternative uses or reuse of waste tires.

More specifically, the variety of changes included in SB 876 related to the "California Uniform Waste and Used Tire Manifest" system sought:

- To provide an accurate accounting that tracks waste tires from the point of generation to disposal in the state, for the purposes of both tire enforcement

activities and market development, by requiring that tire manifests be submitted to CIWMB.

- To close the loop on accountability by requiring each party to a waste tire transaction (generator, hauler, and end-use facility) to submit a copy of the Manifest Form/Trip Log to CIWMB.

The initial implementation of the WTMS was based on the use of paper forms, with the intent to provide electronic data transfer of tire transaction data after the program had been in existence for a year or two. However, in light of reduced staffing, working with a newly regulated community and a high volume of paper forms, it was immediately recognized that, it was critical to expand the program to include Electronic Data Transmission (EDT) on a pilot program basis, and to begin development of an option for Web-based data entry. The WTMS paper form and EDT reporting options were implemented on July 1, 2003 after extensive workgroups, pretests, training, and orientation sessions were provided by Tire Program staff and the Information Management Branch at various locations statewide from Redding to San Diego.

In an effort to make this new manifest system work, hundreds of hours have been devoted to developing a Waste Tire Management System Guidance Manual, Field Reference Guides and informative bookmarks, all in English and Spanish, and individually training the regulated community through, the Boards field inspectors. In addition, the IWMB maintains an extensive Web site that contains information on how to become a registered waste tire hauler, how to order and complete manifests or log forms and how to obtain a TPID. This Web site can be viewed by going to www.ciwmb.ca.gov/tires.

The IWMB now receives over 300,000 manifest and log forms for processing annually. Problems identified both internally and by external stakeholders, which have led to an evaluation of the need for revisions to the WTMS, include: a high incidence of missing data; forms that are difficult to read, or that may be partially destroyed through the mailing process; the need for significant amounts of staff processing and handling prior to database input given current staffing levels; complaints from stakeholders regarding the amount of time required to complete the forms; and the amount paper work required to document tire pick ups and deliveries. Unfortunately, these issues have resulted in limiting the Board's ability to reconcile information in WTMS in support of the Board's enforcement program.

In response to these concerns, the Board has directed staff to present alternative approaches to the WTMS that would simplify the tracking and reporting process, improve the efficiency of the system, and reduce the paperwork burden.

Critical Issues to Consider

Many in the regulated community continue to question the "need" for manifesting, contending that there must be simpler ways to accomplish the same purpose. However, they also acknowledge that illegal tire disposal is a problem with significant potential for adverse consequences (reference the tire fires at Fresno, Tracy and Westley, and the millions of dollars expended in their cleanup). Staff acknowledges that some of the reporting requirements in the existing paper based WTMS are burdensome and could be changed or modified for the benefit of the regulated community (particularly the reporting by generators and end users). These

changes would also benefit CIWMB in terms of staff time and administrative overhead in processing paper forms and in data entry.

There are three critical areas to consider as the Board determines whether and how to revise the WTMS:

- In the area of enforcement, Tire Program enforcement objectives must be clear. Specifically, the objective is to actively pursue enforcement of current statute and regulations, so that illegal dumping, unregistered haulers, generators working outside the law are identified and stopped. In order to do that, the Program must identify what data is needed to achieve that objective; and ensure its availability; and there must be a clear understanding of how such information will be used in the enforcement process.
- In the area of market development, SB 876 called for better techniques for identifying data to provide information for market development efforts.
- In the area of waste tire transaction data capture: how such data can be captured most efficiently and effectively must be determined, i.e. paper vs. electronic data transmission or some combination of the two methods, realizing that not all regulated community participants have the access or capability to use electronic data transfer options.

Enforcement

The primary goal of the Tire Enforcement Program is to reduce the illegal storage and disposal of tires to minimize the effect on public health and the environment. In addition, many stakeholders have commented that failure to enforce, or inconsistent enforcement of, statutes and regulations creates major problems for legitimate businesses. Law-abiding businesses have difficulty competing with those that willfully ignore the rules and thereby avoid costs associated with the regulatory process like the Waste and Used Tire Manifest System (WTMS).

In order to achieve these goals, the Tire Enforcement Program focuses on two objectives:

1. Ensuring that tires are transported to an authorized end-use facility; and
2. Ensuring that tires are stored legally and safely.

The Tire Enforcement Program uses the Hauler Registration Program and the WTMS to ensure that tires are transported to an authorized end-use facility. The Permitting Program, inspections of sites for fire and vector control standards and surveillance efforts all contribute to ensuring that tires are stored legally and safely. The enforcement program focuses on: 1) the generator to ensure they are using a registered hauler; and if they are storing tires, to ensure that they are stored legally and properly; 2) the hauler to ensure they are registered so that tires can be tracked to a proper end use ; and 3) the end-use facility to ensure tires are stored properly.

The Waste and Used Tire Manifest System is a critical tool in achieving Tire Enforcement Program goals and objectives. Although the potential of current WTMS has not yet been fully reached or even explored, due to data problems, Enforcement staff believe that the following information from a manifest system could form the basis for a strong tire enforcement program. Staff can use:

1. A report of the WTMS that identifies generators not submitting manifests. Inspections are scheduled to determine if the business is either sold or closed,

not complying with the manifest system, or something that would need further investigation or follow up by the CIWMB

2. A survey of TPID numbers cross checked against hauler registrations to identify haulers with expired registrations. The Waste Tire Hauler Registration & Manifest Program staff investigate this information to determine if this is a one-time event, or the hauler is not complying with the waste tire hauler requirements. If it is a one-time event, a letter of violation is sent out by the Hauler program. If it appears that the hauler is attempting to circumvent the process, then staff further investigate this hauler, by preparing a package of information for the field enforcement staff, including the waste tire hauler renewal history and any related manifests documenting the illegal transportation of waste or used tires while not being registered. Field enforcement staff then conduct a more in depth investigation to substantiate the allegations and, if necessary, prepare an enforcement case for the legal office.
3. A cross check the Hauler Registration Decal # with the vehicle information and the TPID number to determine if the hauler mistakenly placed the wrong decal on the wrong vehicle or if the operator may be using vehicles not reported to the CIWMB in violation of the 14 CCR requirements.
4. A report of unregistered hauler from end-use facilities. Staff will review the manifest documents to determine if this is a one-time event, or a hauler is not complying with the waste tire hauler requirements. As stated above, if it is a one-time event a letter of violation is sent out by the Hauler program, otherwise staff will prepare an enforcement package for the field enforcement staff to further investigate and take appropriate action.
5. A report, based on manifests and trip logs, comparing tires picked up by a hauler as compared to tires delivered as an indication of improper storage of tires.
6. A report reconciling the manifest information from a generator with the hauler manifest and trip log, and with the end-use facility manifest to identify tires that may not be accounted for as an indication of potential illegal tire activity.
7. A report detailing any individual hauler's tire transaction activities over a specified period of time, to check for hauling and storage patterns that may indicate illegal activity.
8. Reports that summarize the generators and haulers in any particular area, with a comparison to illegal dump sites in that area to check for patterns.

Market Development

One of the Board's primary goals is to "assist in the creation and expansion of sustainable markets to support diversion efforts and ensure that diverted materials return to the economic mainstream. In order to focus efforts in this area relative to tires, information from a manifest system such as the current WTMS, or a monthly summary reporting system, is critical. Useful information includes quantity and flow of tires regionally, statewide, out of state, and out of the country. Aggregate tire transaction data on point of tire entry into the system, where and how they are stored, and how they are moved from generator to end use facilities is all information that can inform market development efforts. Additionally, reports summarizing the types and sizes of generators, haulers and end-use facilities, as well as how they are distributed through out the state, can help inform market development efforts.

Data Submittal – EDT and Web-based Data Entry

Following is a detailed discussion of two methods of electronic data submittal that should form the foundation for any of the manifest system options selected by the Board. As noted above, each of the manifest system options presented in this agenda item is predicated on the use of some form of electronic data transfer (EDT) and Web-based data entry as a the principal method of data capture, with the addition of a paper-based format for entities unable or unwilling to report electronically.

Issues with Paper-based System. The CIWMB has limited staff resources to collect the paper-form-based manifest data under the current Waste Tire Manifest System. In reviewing the manifests and trip logs, staff find that many documents are not completely or accurately filled out; the forms are damaged or destroyed by the U.S. Postal Service; or, in some cases, forms are tampered with by the operator, by stapling or taping. Additional challenges currently faced by the Tire Program staff include difficulty in the timely processing associated with the high volume of forms being received, and insufficient staff and time to resolve missing or incorrect tire data submitted on the paper form. Overall data quality and completeness on the submitted manifest forms is problematic and present a challenge to staff's ability to accurately and efficiently "reconcile" waste tire loads and to identify violators.

Tire Program staff are attempting to address these problems by sending advisory letters to haulers, generators, and end users on form errors and data quality. In some instances, CIWMB Tire Program field staff or local enforcement grantees are making follow-up visits to these tire businesses. However, these actions, while proactive and showing some success in improving the data quality, are not sufficient to effectively administer a predominantly paper-based system.

Electronic Data Transfer (EDT). EDT is a system developed by staff that is currently in use as a pilot project under the current manifest system. Under this system, approved participating haulers assume responsibility on behalf of their customers for reporting information to the CIWMB regarding each pickup and delivery in which they are involved. The hauler provides trip verification receipts or invoices to the Generator and end use facility. This is done through the hauler's invoicing system, so that the necessary information is extracted from their accounting system in a "batch" file format covering some period of days and then submitted to the CIWMB electronically. CIWMB verifies the EDT data upon receipt to ensure that all required WTMS data is present and to verify to the extent possible the accuracy of the information as it is submitted. The ability to electronically accept and verify the data at the time of submission has saved thousands of hours of staff time that might otherwise be spent reviewing paper forms.

Industry EDT participants are supportive of this approach and sought to work with the Board early on in achieving a mutually beneficial means of providing the required data and submitting it in an efficient and accurate manner. A key factor in the success of the EDT program is that it uses data already collected electronically by the hauler as part of their normal invoicing and accounting procedures, and reformats the data as required to meet WTMS standards, regardless of the option selected by the Board.

Web-based Data Entry. The Web-based data entry system is similar to the EDT system but is broader in its application and more accessible to the regulated

community. In this option, the hauler enters information from their own invoice at a Web site, which again reflects use of data already collected by the hauler as part of their normal invoicing and accounting procedures. Haulers also report on behalf of their clients in the same way that EDT “batch” haulers do. The tire transaction data is transmitted to the Board via the Internet or Web rather than in a “batch” mode. Web-based data entry has the hauler link to the Board’s Web site to enter the day’s tire transaction data via secure data entry screens that are pre-populated with the hauler’s known clients and registered vehicles. The Web-based data entry hauler then quickly enters the required data, which is verified for accuracy and completeness electronically at the time of submittal. The approach of Web-based data entry is similar to ordering merchandise or requesting information on commercial Internet sites. Web-based data entry is available to anyone with an Internet connection.

The Web-based data entry reporting option provides the regulated community with easy access for tire transaction data submittal, timely reporting, and provides the Board with high quality data, verification of data submittal, and the ability to cross reference haulers, generators, and end-users electronically, to ensure appropriate levels of data quality control.

Impact on Regulated Community. EDT and Web-based data entry require complete data records on tire pick up, deliveries and trips or the data is rejected. This puts more responsibility on the EDT or Web-based data entry participant to ensure complete and accurate data at the time of submission. Given the potential for significant cost savings/avoidances for the Board and the waste tire industry through increased waste tire hauler participation in the EDT Pilot Program, staff discussed the practicality and benefit of the EDT with many large, medium and small waste tire businesses over the last year. These businesses acknowledged the potential advantages to EDT submittal but indicated that they do not have the in-house technical expertise to make the jump to the EDT process, although many of these businesses currently have some level of automated data collection in their current business environment. They also indicated they would welcome some sort of assistance from the Board in this area.

Indications are that many of these businesses would seriously consider the Web-based electronic data entry. Given the lack of in-house technical expertise with haulers, Web-based data entry is the easiest and most practicable approach to data submittal to implement since it can be used by anyone with an Internet connection, whether they are large, medium or small waste tire hauling businesses.

Use of Contractor for Data Entry. A final issue for future discussion is the potential use of a contractor to perform the data entry for paper forms that the Board will likely continue to receive from haulers unable or unwilling to use EDT or Web-based data entry. This is an option that staff is currently exploring to determine potential costs and potential time savings. It could result in significant cost savings, and could further streamline and make more efficient the paper form intake process.

Conclusion. The EDT and Web-based data entry options provide a cost effective and timely response to the biggest costs associated with implementation of a new program, data collection and processing, by using existing data collected by haulers and by using the Internet to submit such data online at lower cost and higher

accuracy. Based on initial analysis of the EDT and Web-based data entry Pilot Program to date, there is significant potential for cost savings for the Board and waste tire industry participants because there is less staff time for both the Board and the regulated community involved in preparing and processing WTMS information.

Under these electronic options for data submittal, the Board would receive large volumes of records through electronic transfer and automated processing, which avoids work for staff that must prepare and process the paper-based form for input into the WTMS database. Based on the analysis of more than 270,000 paper forms processed through WTMS to date, staff have estimated that it may be possible to reduce paper processing volumes by as much as one-third through a moderate expansion of the EDT pilot project. (Based on the volume of paper forms submitted, the top 20% of registered tire haulers, in volume of tires hauled, account for nearly 80% of the total tires hauled in the state.) Reformatting of the data is a minor one-time cost and can pay big dividends in cost avoidance as the EDT and Web-based data entry participant continues to use their existing business processes and forms.

B. Environmental Issues

If any revisions to the regulations are adopted by the Board, staff will conduct any environmental analysis required under CEQA and submit any required environmental documents to the Board for its consideration.

C. Program/Long Term Impacts

The Waste Tire Manifest System has been in production for just over one year. In that time the Board has received over 300,000 paper manifest/log forms and 130,000 electronic WTMS records. As noted previously, the WTMS paper process is staff intensive and is somewhat problematic in data quality and completeness. The EDT data, by contrast, is complete and is of generally higher accuracy. The current EDT process and proposed Web-based data entry have a significantly lower staff preparation time and are submitted on a set schedule established between the participants and the Board.

The Waste Tire program is considered foundational to the mission of this Board and to the state as a whole, as past Board actions reflect. If the Board is to continue to support a Waste Tire program, it must have some form of a Waste Tire Manifest System and an Enforcement program as components. The question is how to do this given the current fiscal and staffing constraints. The regulated community associated with the waste tire program is large - 10,000 – 12,000 generators, 800 registered haulers, and 200 plus end-use facilities, and California is a large and populated state with many automobiles and a very large number of waste and used tires. These tires must be accounted for and dealt with in a systematic and efficient way that recognizes the needs of industry and the Board to work cooperatively to manage the environmental hazard that waste and used tires represent. Given the above options and the stated need for an effective manifest and tire enforcement program, EDT and Web-based data entry are sound and accessible alternatives that provide for lower data collection costs, higher data accuracy and more timely data submission. Using these two data entry options has the least impact on the participant's current business processes. Any option selected by the Board should include electronic data submittal as the principal method used by the regulated entities wherever possible.

To begin to achieve a more workable manifest system and to provide support to the Board's emerging Tire Enforcement program, it is critical that the Board seek, with appropriate oversight and criteria, to enable waste tire industry businesses to participate in the EDT and Web Based Data Entry programs. The Board can do this by providing technical assistance to those members of the regulated community who might best benefit and by leveraging the Board's own existing data resources. In addition the Board should seek to align any paper manifest processes that will be required with the EDT and Web based EDT approach where "only the hauler reports." This approach has proved workable and acceptable to the regulated community as evidenced in the two public hearings on various manifest options and as reviewed by the larger haulers in the State.

The objectives of SB 876 - tracking the movement of waste and used tires; identifying illegal haulers and disposal; an enhanced enforcement program; and reliable data for market development - all derive from accurate and complete data within the WTMS. An opportunity exists now to potentially lower the cost for that data collection by providing some level of assistance to the regulated community from whom the WTMS data is being generated.

D. Stakeholder Impacts

Option 1 –Paper Manifests, Electronic Data Transmission and Web Based Data Entry under current WTMS

Staff anticipate that many generators, haulers and end-use facilities will continue to use the paper-based manifests and trip logs. A number of participants under the current WTMS process use an electronic process for reporting tire transaction data to the Board. Of the two, electronic data submittal is considered more accurate and convenient than the paper. Staff is hopeful that more haulers, both large and small, can utilize the EDT and Web-based data entry processes for the submission of their records. It is believed that once in production and available to the waste tire haulers, this process will be received well and widely used in lieu of the existing paper manifesting forms. Web-based data entry is a very viable approach that would broaden the use of EDT and allow participants to submit data easily and securely through the Internet to the Board's website.

Option 2 - Comprehensive Trip Log

The Comprehensive Trip Log option aligns the paper manifest process with the "only the hauler reports" EDT and Web-based data entry approaches. It provides for the collection and reporting of pertinent information on the pick up and delivery of tires. It identifies the generator, hauler and/or end user to each transaction. And while it does not provide a "reconciliation" to each Hauler trip, it does provide specific information on the date, time, name and address, trucks and tire load amounts for the tracking and enforcement of waste tire haulers, generator and end users. The form as introduced to the stakeholders in the workshops both in Sacramento and Diamond Bar appeared to be acceptable to the community, as they liked its format and simplicity. If the Comprehensive Trip Log form option is selected it will still provide an adequate enforcement and tracking ability while reducing the paper volume for stakeholders by up to 60%.

This option strikes a common sense compromise between the existing manifest system and tracking program needs for basic tire enforcement. It reduces business overhead for the hauler, generator and end-use facility. For the Board, it reduces paper form printing, handling and processing.

It provides a common and uniform approach to Waste Tire data gathering by having both **paper and electronic data process whereby the hauler is the responsible reporting party**, regardless of reporting options. And finally, it meets the intent of SB 876 for accountability of all parties in the tire transaction while providing the information necessary for auditing, enforcement of the State's growing tire problem.

Option 3- Monthly Summary Reporting Proposal

This option will reduce the paperwork burden somewhat, but require a different type of reporting by all entities. In this option, each generator, hauler and end-use facility will be required to maintain records upon which to base a monthly report summarizing their tire transaction activities. In contrast to Options 1 and 2, the hauler will not report on behalf of the over 10,000 generators, or the end-use facilities. As with the above, EDT and Web-based data entry are viable reporting means.

E. Fiscal Impacts

Option 1 - Electronic Data Transmission and Web Based Data Entry under current WTMS

Funding was approved in March 2004 for expanded uses of the EDT and Web-based processes and existing monies could be used to develop the software package in this option. Ongoing form processing costs for the current Manifest and Trip logs forms are estimated to be \$300,000. These funds are being allocated from the current Tire Fund. Additional developmental costs for improvements to the system should be minimal, as the major costs have already been incurred.

Option 2 - Comprehensive Trip Log

Funding will be required to reconfigure the existing WTMS database and for the development of the Comprehensive Trip Log. Developmental costs to expand the use of WTMS to incorporate the Comprehensive Trip Log, develop the form, printing, and processing costs are expected to be moderate, as the CTL process will be built upon the existing WTMS, and those developmental costs have already been incurred. The additional funds can be allocated from the current Tire Fund.

Option 3 - Hauler Reporting Requirements Proposal

Additional funding will be required to reconstruct the existing WTMS database to accommodate a monthly summary report and for the development of the monthly summary report form. Developmental costs for what will amount to a new system are anticipated to be major, as the system will have to be reconstructed, a process that will not be able to take advantage of the existing WTMS structure. These funds can be allocated from the current Tire Fund.

F. Legal Issues

It appears that Option 2 and Option 3, the comprehensive trip log and the summary reports, will require statutory cleanup changes prior to adopting regulations to address several issues. For example, Public Resources Code section 42961.5 is currently very specific in its requirements concerning the definition of a manifest and the need to

maintain manifests by generators, haulers, and end-users. A regulation that proposes less stringent requirements than the statute could be found to be invalid.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System." is equally and uniformly applied to all applicable parties throughout the state of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

With the implementation of these enhancement alternatives to assist in the EDT process, this item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

- **Goal 1**—Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure:

Objective 1: Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.

- **Goal 3**—Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

Objective 1: Increase the level of environmental education and technical assistance support provided to all Californians about resource conservation and integrated waste management strategies.

- **Goal 5**—Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission.

Objective 3: Improve the exchange of and access to information internally and externally.

- **Goal 7**—Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act.

Objective 1: Promote source reduction to minimize the amount of waste generated.

VI. FUNDING INFORMATION

The \$1.1 million allocated in Table 10 of the Waste and Used Tire Hauler Program and Manifest System Budget of the Board-approved Five-Year Plan should be adequate to accommodate the proposed program modifications to the WTMS, including new forms, computer program modifications, and development of regulations.

VII. ATTACHMENTS

1. Table 1 – Current Tire Manifest System with More Fully Implemented EDT and Web-based Data Entry Proposal
2. Table 2 – Comprehensive Trip Log Proposal
3. Table 3 -- Summary Monthly Reporting Proposal
4. Table 4 – Comparison of Options 1, 2 and 3

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

No letters of Support were submitted for these proposals

B. Opposition

No letters of Opposition were submitted for these proposals

California Integrated Waste Management Board

Board Meeting

February 15-16, 2005

AGENDA ITEM 22

ITEM

Consideration and Request for Direction on Proposed Revisions to the California Uniform Waste and Used Tire Manifest System

I. ISSUE/PROBLEM STATEMENT

At Board Member direction, CIWMB staff developed and implemented the current automated California Uniform Waste and Used Tire Manifest System (WTMS) in 2003-04, in response to the requirements of SB 876. The WTMS is an integral part of the Board's overall tire enforcement program, as it provides a regulatory process under which all of the participants must report all tire transactions. The current WTMS has been in operation since July 1, 2003, and has encountered a number of challenges, including: lack of funding for additional CIWMB staff to support the WTMS; the addition of a newly regulated community of 10,000-12,000 tire dealers and generators who had to be identified and educated on WTMS requirements; and, a high volume of reporting forms generated by the entire regulated community of tire dealers, haulers and end use facility operators.

In early 2004, staff were directed to accelerate review of the tire manifest program and develop options for the Board to consider that would simplify the waste tire tracking and reporting process, improve the efficiency of the Waste Tire Manifest System and reduce the paperwork volumes. In November 2004, the Special Waste Committee directed staff to conduct a stakeholder workshop to obtain comments on proposed changes to the WTMS. The workshop was held on January 24, 2005, and the comments received are summarized in this agenda item.

The purpose of this item is for the Board to consider the WTMS as currently structured and to review proposed revisions that could improve the efficiency and effectiveness of the tracking system by reducing the amount of paperwork, while maintaining the ability of the Board to achieve the Waste Tire enforcement and market development objectives. These objectives are discussed in greater detail in November 2004 Board Agenda Item 3, which was presented to the Special Waste Committee in November 2004, and is included as Attachment 1. These proposals are:

1. Utilizing the existing WTMS, more fully implement electronic submittal of data, through Electronic Data Transfer (EDT) and a Web-based data entry site for waste tire haulers to enter their information via the Web. The EDT and Web-based data entry allow the hauler to report on behalf of the generator and the end-use facility, using their own CIWMB approved invoice. If a majority of haulers do not participate in EDT and Web-based data entry, the WTMS may remain primarily a paper-based system because generators and end-use facilities will have to continue to use paper reporting documents. As part of this proposal, staff could develop software that would maintain customer lists and print client information on the manifest and/or trip logs to assist the generator, hauler and end-use facility with the paperwork burden.

2. Develop a Comprehensive Trip Log (CTL) form that would be completed and submitted by the hauler on behalf of the generator and the end-use facility, in place of the current manifest form and trip log. This option is based on a new form to be completed by haulers who are not participating in electronic data submittal. The form provides trip log “receipts” which are given to the generator and the end use facility. The information required on the CTL could be submitted electronically, or via paper format for data input, based on the hauler’s invoice. Develop a summary reporting system that requires all waste tire haulers, generators and end use facilities to submit a quarterly report to the CIWMB summarizing the number of waste tires generated, hauled or put to an end use, by TPID number, in place of the current manifest form and trip log. This option is based on a hauler invoice, with all entities reporting. Quarterly reports could be submitted electronically, or via paper format for electronic scanning.

II. ITEM HISTORY

Board staff have summarized the lengthy history of the Board’s efforts in the area of waste tire manifests in the attached November 2004 agenda item (Attachment 1). More recently, Board action included:

- On August 19 and September 8, 2004 workshops were held in Sacramento and Diamond Bar to obtain stakeholder input on ways to improve the efficiency and simplify the process used in the Waste and Used Tire Manifest System. Some suggested remedies included a simpler manifesting document, the “Comprehensive Trip Log,” and further expanding the use of EDT and a Web-Based Data Entry for haulers to input their manifest information and minimize their reporting requirements.
- On January 24, 2005, another workshop was held in Sacramento to obtain input from stakeholders concerning the “Comprehensive Trip Log” and the “Quarterly Summary Report” and to demonstrate the ease of using the Web Based Data Entry option for haulers interested in using their own forms and submitting electronic reports to the Board. Both the Comprehensive Trip Log and Web Based Data Entry were well received by these stakeholders.

III. OPTIONS FOR THE BOARD

Following are the actions the Board may take, based upon the proposed options below, to modify the Waste and Used Tire Manifest System (WTMS).

The Board may:

- Direct staff to implement any of the proposed options listed below;
- Modify and then direct staff to implement any of the proposed options listed below;
- Direct staff to provide additional information, and bring the proposed options back to a future meeting of the Board.

A. Proposed Modifications to the California Uniform Waste and Used Tire Manifest System (WTMS) for Board Consideration

The following is a summary of three proposed options for Board consideration. Each option is described in more detail in Attachment 1, the November 2004 Board Agenda Item on the WTMS.

Option 1 – More fully implement electronic data submittal for the existing paper based Waste and Used Tire Manifest System.

Continue to implement the current paper-based WTMS that requires every generator, hauler and end-use facility to document each tire transaction and then to submit a copy of that transaction in the form of a completed manifest or trip log to the CIWMB for tracking and reconciliation. Implementation would continue with the suggested improvements detailed below:

- Continue the paper form process and expand the Pilot Electronic Data Transfer (EDT) project. The EDT module allows haulers to report on behalf of the generator and end-use facility, and to send data from their tire transactions to the Board electronically on a monthly schedule. The data is generated through software programmed to extract the data from the participating hauler's internal accounting system or operation. This project is based on use of the hauler's invoice, as approved by the CIWMB to ensure it captures all required information.
- Test and implement a new Web-based data entry option that has been developed by staff, which would allow the hauler to report on behalf of the generator and end-use facilities, using the hauler's own invoice form, once it is reviewed and approved by the CIWMB to ensure all required information is captured. The Web-based data entry allows anyone with an Internet connection to access the Board's Tire website where all tire transaction information can be entered, in lieu of submitting the paper forms.
- Develop a software package that would allow haulers who cannot or prefer not to utilize EDT or Web-based data entry to input their client base onto a trip log or similar document. The client information would be retained by the hauler and updated when needed. The software would simplify the process and make it easier to complete the forms.

Pros and Cons -- Option 1

The November 2004 agenda item (Attachment 1) provides a more detailed description and discussion of this option.

Pros:

- If EDT or Web-based data entry is selected, the hauler reports on behalf of the generator and the end-use facility, allowing staff efforts to focus only haulers, which staff believes is the most beneficial in terms of accuracy of data, compliance with requirements, and most effective use of resources.
- With EDT or Web-based data entry, the generator and end-use facility would not be required to submit forms or report directly to the CIWMB, but would still be part of the system by maintaining records for 3 years for audit and enforcement purposes.
- With EDT and Web-based data entry, reporting by the hauler would be based on their own Board approved invoice which simplifies reporting, and which should decrease completion errors, and increase data quality.
- This option captures all key information for enforcement purposes: pick up and delivery transactions and dates; quantities of tires exchanged; truck and decal information; specific information regarding the generator, hauler and end use facility by tying the TPID of generator, hauler and end use facility to specific pick up and deliveries; and driver information.
- Provides cross-referencing ability at the trip level between all three parties for enforcement purposes.
- Use of EDT and Web-based data entry would significantly reduce the number of forms required to be completed and submitted by all reporting parties and significantly reduce staff time expended mailing out forms and processing forms upon receipt.

- Although the hauler will be reporting on behalf of the end-use facility, these facilities would still be required to submit information on unregistered haulers to the CIWMB, ensuring that the Board can still follow up on this information.

Cons:

- EDT and Web-based data entry would place the majority of the responsibility on the hauler to submit information on behalf of the generator and end-use facility.
- EDT and Web based data entry will not be mandatory, so the Board may not obtain the full benefits that full participation would bring because many generators, haulers and end-use facilities will continue to use the paper-based forms.
- Generators, haulers and end-use facilities that use a hauler who is unwilling or unable to participate in EDT or Web-based data entry would still be required to submit the existing manifest and trip log forms.
- This option will be more time consuming for both the regulated community and for Board staff in terms of time to complete the forms, number of forms, and required reporting by all if not using EDT or Web-base data entry.
- It would not reduce the paperwork burden on the regulated community or simplify the process, or reduce the burden and cost to the Board.

Option 2 – Implement a Comprehensive Trip Log (CTL) based system in place of the existing manifest and trip log.

This option would eliminate the existing manifest and trip log forms, and instead would require completion of a single, paper Comprehensive Trip Log (new form) by the Hauler for transportation of waste or used tires. It builds from the “only the hauler reports” approach currently used with the EDT and Web-based reporting mechanisms. Like the above approach, it allows the hauler to report tire transactions on behalf of the generator and end-use facility using a single form.

Under this option, the hauler would 1) obtain and report all required information on tire transactions, including the identification of the generator and the end use facility, 2) provide the generator and end use facility with a Trip Log Receipt for each load; and 3) submit the CTL form to the CIWMB within 14 days of the tire transaction. The Trip Log receipts provided to the generator and end use facility would be maintained by them for 3 years at their facility location for enforcement purposes.

Reporting of the information collected under this option would be by electronic data submittal through EDT and Web-based data entry, as well as by the paper form.

Pros and Cons -- Option 2

The November 2004 agenda item (Attachment 1) provides a more detailed description and discussion of this option.

Pros:

- The hauler would report on behalf of the generator and the end-use facility, allowing staff efforts to focus only haulers, which staff believes is the most beneficial in terms of accuracy of data, compliance with requirements, and most effective use of resources.
- The generator and end-use facility would not be required to submit forms to the CIWMB, but would still be part of the system by maintaining records for 3 years for audit and enforcement purposes.

- Reporting by the hauler would be based on their own Board approved invoice if using EDT or Web-based data entry, which will lessen the burden, simplify the process, and increase data quality.
- Reporting using the new Comprehensive Trip Log will be simpler, which should decrease completion errors and increase data quality.
- For enforcement purposes captures all key information except trip information.
- Provides a level of cross referencing down to the load level.
- Would significantly reduce the number of forms required to be completed and submitted (75%); and significantly reduce staff time in mailing out forms and processing forms upon receipt.
- Would reduce costs for CIWMB from pre-paid postage and postage out-going as only haulers not participating in EDT or Web-based data entry will submit forms to the CIWMB (800 haulers only vs. 11-13,000 generators, haulers and end use facilities).
- Although the hauler will be reporting on their behalf, end-use facilities would still be required to submit information on unregistered haulers to the CIWMB, ensuring that the Board can still follow up on this information.

Cons:

- Would place the majority of the responsibility on the hauler to submit information on behalf of the generator and end-use facility.
- EDT and Web-based data entry will not be mandatory, so may not obtain the full benefits that full participation would bring.
- Will show individual pick up and delivery of tires, but does not associate a specific pickup or delivery to a specific trip. Therefore the Comprehensive Trip Log option tracks at the load level but not at the trip level.
- Will require regulatory changes.
- Information not captured by the CTL format: import; export; hauler exemption information categories; in transit load information; date on tire types and amounts; intended use; comments.

Option 3 – Implement a Summary Quarterly Reporting system for all generators, haulers, and end-use facilities

This option would eliminate the existing manifest and trip log forms, and instead would require **each** generator, hauler and end-use facility to submit to the CIWMB a quarterly summary report, in a reporting format developed by the Board.

The report would provide summary information only on the number of tires generated, the tire generator's location, the number of tires hauled by a registered hauler, and the number of tires processed by the end use facility, along with identifying information such as names, addresses, and TPID numbers.

Reporting of this information would be done by electronic data submittal through EDT and Web-based data entry, as well as the paper form.

Pros and Cons -- Option 3

The November 2004 agenda item (Attachment 1) provides a more detailed description and discussion of this option.

Pros:

- As currently described, the generator, hauler, and end-use facility would all be required to report, so they would all be a part of the system and would be required to maintain records for 3 years for audit and enforcement purposes.
- Would greatly simplify reporting for the generator, hauler and end-use facility because reporting would be based on invoices rather than multiple forms, and only one summary report per quarter would be required.
- It may be possible to allow the hauler to report on behalf of the generator and end-use facility, if using EDT or Web-based data entry.
- Would provide a summary of number of tires by quarter, by generator, hauler and end use facility and TPID number for enforcement and market development purposes.
- Provides cross-referencing ability between all three parties at a summary level.
- Would place less burden on the generator, hauler and end-use facility as transaction specific manifests and logs would not be required to be completed and would thus significantly reduce the number of forms required to be submitted by the generator, hauler, and end-use facility (between 40-45%).
- Would significantly reduce staff time in mailing out forms and processing forms upon receipt.
- Would reduce costs for CIWMB from pre-paid postage and postage out-going as only generators, haulers and end-use facilities not participating in EDT or We-based data entry will submit paper forms to the CIWMB.
- End-use facilities would still be required to submit information on unregistered haulers to the CIWMB, ensuring that the Board can still follow up on this information.

Cons:

- For enforcement purposes, will not provide load dates, load amounts, type, hauler registration or truck decal information. Invoices would have to be reviewed at the generator/hauler/end-use location for this information.
- Places more of a burden on the generator, hauler and end-use facility to maintain accurate record of tire usage for a 90-day period in order to prepare report, rather than capturing or recording information at time of each transaction, which could result in data accuracy problems.
- Could create a workload management issue, as staff will be receiving all quarterly reports at once versus receiving a constant flow of forms.
- Haulers that act in the multiple roles of generator, hauler and end-use facility will be required to complete more than one quarterly report.
- Will require statutory and regulatory changes.
- Implementation will require substantial data management system development, requiring a substantial staff and resource allocation.
- EDT and Web-based data entry will not be mandatory, so may not obtain the full benefits that full participation would bring.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option 2 and further asks the Board to direct staff to initiate emergency regulations to incorporate the "Comprehensive Trip Log" into existing regulations.

V. ANALYSIS

A. Key Issues and Findings

Attachment 1, the November 2004 Board agenda item on the WTMS provides a detailed discussion of the background, history and critical issues considered during analysis of proposed changes to the WTMS.

Special Waste Committee WTMS Workshop

As directed by the Special Waste Committee, staff conducted a workshop on January 24, 2005 in Sacramento in order to obtain comments from stakeholders regarding options for revising the Waste Tire Manifest System. Staff provided background and a description of the three options proposed in this agenda item. In summary, the majority of the participants expressed support for Option 2, the Comprehensive Trip Log, and particularly for the use of Electronic Data Submittal and Web-based Data Submittal. Concerns were expressed about accountability in any system that allows the hauler to report on behalf of the other parties to tire transactions; and how generators and end-use facilities can ensure that the information that is submitted on their behalf by the hauler is correct. Staff clarified that retreaders can continue to use the Retreader Trip Log that was recently implemented for them; and that end-use facilities will still be required to report unregistered haulers to the Board. In addition, it was suggested that the CIWMB consider an incentive program (bounty) for haulers submitting the Comprehensive Trip Log to the Board, to encourage compliance with the requirements.

A more detailed summary of questions and answers is included as part of this agenda item as Attachment 2.

B. Environmental Issues

If any revisions to the regulations are adopted by the Board, staff will conduct any environmental analysis required under CEQA and submit any required environmental documents to the Board for its consideration.

C. Program/Long Term Impacts

The Waste Tire Manifest System has been in production for just over one year. In that time the Board has received over 300,000 paper manifest/log forms and 130,000 electronic WTMS records. As noted previously, the WTMS paper process is staff intensive and is somewhat problematic in data quality and completeness. The EDT data, by contrast, is complete and is of generally higher accuracy. The current EDT process and proposed Web-based data entry have a significantly lower staff preparation time and are submitted on a set schedule established between the participants and the Board.

The Waste Tire program is considered foundational to the mission of this Board and to the state as a whole, as past Board actions reflect. If the Board is to continue to support a Waste Tire program, it must have some form of a Waste Tire Manifest System and an Enforcement program as components. The question is how to do this given the current fiscal and staffing constraints. The regulated community associated with the waste tire program is large - 10,000 – 12,000 generators, 800 registered haulers, and 200 plus end-use facilities, and California is a large and populated state with many automobiles and a very large number of waste and used tires. These tires must be accounted for and dealt with in a systematic and efficient way that recognizes

the needs of industry and the Board to work cooperatively to manage the environmental hazard that waste and used tires represent. Given the above options and the stated need for an effective manifest and tire enforcement program, EDT and Web-based data entry are sound and accessible alternatives that provide for lower data collection costs, higher data accuracy and more timely data submission. Using these two data entry options has the least impact on the participant's current business processes. Any option selected by the Board should include electronic data submittal as the principal method used by the regulated entities wherever possible.

To begin to achieve a more workable manifest system and to provide support to the Board's emerging Tire Enforcement program, it is critical that the Board seek, with appropriate oversight and criteria, the ability to enable waste tire industry businesses to participate in the EDT and Web Based Data Entry programs. The Board can do this by providing technical assistance to those members of the regulated community who might best benefit and by leveraging the Board's own existing data resources. In addition the Board should seek to align any paper manifest processes that will be required with the EDT and Web based EDT approach where "only the hauler reports." This approach has proved workable and acceptable to the regulated community as evidenced in the three recent public hearings on various manifest options and as reviewed by the larger haulers in the State.

The objectives of SB 876 - tracking the movement of waste and used tires; identifying illegal haulers and disposal; an enhanced enforcement program; and reliable data for market development - all derive from accurate and complete data within the WTMS. An opportunity exists now to potentially lower the cost for that data collection by providing some level of assistance to the regulated community from whom the WTMS data is being generated.

D. Stakeholder Impacts

Option 1 –Paper Manifests, Electronic Data Transmission and Web Based Data Entry under current WTMS

Staff anticipate that many generators, haulers and end-use facilities will continue to use the paper-based manifests and trip logs. A number of participants under the current WTMS process use an electronic process for reporting tire transaction data to the Board. Of the two, electronic data submittal is considered more accurate and convenient than the paper. Staff is hopeful that more haulers, both large and small, can utilize the EDT and Web-based data entry processes for the submission of their records. It is believed that once in production and available to the waste tire haulers, this process will be received well and widely used in lieu of the existing paper manifesting forms. Web-based data entry is a very viable approach that would broaden the use of EDT and allow participants to submit data easily and securely through the Internet to the Board's website.

Option 2 - Comprehensive Trip Log

The Comprehensive Trip Log option aligns the paper manifest process with the "only the hauler reports" EDT and Web-based data entry approaches. It provides for the collection and reporting of pertinent information on the pick up and delivery of tires. It identifies the generator, hauler and/or end user to each transaction. And while it does not provide "reconciliation" to each Hauler trip, it does provide specific information on the date, time, name and address, trucks and tire load amounts for the

tracking and enforcement of waste tire haulers, generator and end users. The form as introduced to the stakeholders in the workshops both in Sacramento and Diamond Bar appeared to be acceptable to the community, as they liked its format and simplicity. If the Comprehensive Trip Log form option is selected it will still provide an adequate enforcement and tracking ability while reducing the paper volume for stakeholders by up to 60%.

This option strikes a common sense compromise between the existing manifest system and tracking program needs for basic tire enforcement. It reduces business overhead for the hauler, generator and end-use facility. For the Board, it reduces paper form printing, handling and processing.

It provides a common and uniform approach to Waste Tire data gathering by having both **paper and electronic data processes whereby the hauler is the responsible reporting party**, regardless of reporting options. And finally, it meets the intent of SB 876 for accountability of all parties in the tire transaction while providing the information necessary for auditing, enforcement of the State's growing tire problem.

Option 3- Quarterly Summary Reporting Proposal

This option will reduce the paperwork burden somewhat, but require a different type of reporting by all entities. In this option, each generator, hauler and end-use facility will be required to maintain records upon which to base a quarterly report summarizing their tire transaction activities. In contrast to Options 1 and 2, the hauler will not report on behalf of the over 10,000 generators, or the end-use facilities. As with the above, EDT and Web-based data entry are viable reporting means.

E. Fiscal Impacts

Option 1 - Electronic Data Transmission and Web Based Data Entry under current WTMS

Funding was approved in March 2004 for expanded uses of the EDT and Web-based processes and existing monies could be used to develop the software package in this option. Ongoing form processing costs for the current Manifest and Trip logs forms are estimated to be \$300,000. These funds are being allocated from the current Tire Fund. Additional developmental costs for improvements to the system should be minimal, as the major costs have already been incurred.

Option 2 - Comprehensive Trip Log

Funding will be required to reconfigure the existing WTMS database and for the development of the Comprehensive Trip Log. Developmental costs to expand the use of WTMS to incorporate the Comprehensive Trip Log will include development of the form, and printing and processing costs. These costs are expected to be moderate, as the CTL process will be built upon the existing WTMS, and those developmental costs have already been incurred. The additional funds can be allocated from the current Tire Fund.

Option 3 – Quarterly Summary Report Proposal

Additional funding will be required to reconstruct the existing WTMS database to accommodate a Quarterly Summary Report and for the development of the Quarterly Summary Report form. Developmental costs for what will amount to a new system are anticipated to be major, as the system will have to be reconstructed, a process that

will not be able to take advantage of the existing WTMS structure. These funds can be allocated from the current Tire Fund.

F. Legal Issues

It appears that Option 2, the Comprehensive Trip Log will require regulatory changes and Option 3, the **Quarterly Summary Report**, will require statutory changes prior to adopting regulations. For example, Public Resources Code section 42961.5 is currently very specific in its requirements concerning the definition of a manifest and the need to maintain manifests by generators, haulers, and end-users. A regulation that proposes less stringent requirements than the statute could be found to be invalid.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System." is equally and uniformly applied to all applicable parties throughout the state of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

With the implementation of these enhancement alternatives to assist in the EDT process, this item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

- **Goal 1**—Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure:

Objective 1: Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.

- **Goal 3**—Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

Objective 1: Increase the level of environmental education and technical assistance support provided to all Californians about resource conservation and integrated waste management strategies.

- **Goal 5**—Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission.

Objective 3: Improve the exchange of and access to information internally and externally.

- **Goal 7**—Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act.

Objective 1: Promote source reduction to minimize the amount of waste generated.

VI. FUNDING INFORMATION

The \$1.1 million allocated in Table 10 of the Waste and Used Tire Hauler Program and Manifest System Budget of the Board-approved Five-Year Plan should be adequate to accommodate the proposed program modifications to the WTMS, including new forms, computer program modifications, and development of regulations.

VII. ATTACHMENTS

1. Board Agenda Item 3 – November 9-10, 2004
2. Summary of Comments – January 24, 2005 Special Waste Committee Workshop on Waste Tire Manifest System
3. Resolution Number 2005-53

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- | | |
|--|------------------------------|
| A. Program Staff: Keith E. Cambridge | Phone: (916) 341-6422 |
| Bob Fujii | Phone: (916) 341-6419 |
| Rubia Packard | Phone: (916) 341-6289 |
| B. Legal Staff: Wendy Breckon | Phone: (916) 341-6068 |
| C. Administration Staff: Doug Ralston | Phone: (916) 341-6148 |

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

No letters of Support were submitted for these proposals

B. Opposition

One letter of Opposition to Option 3, the “Quarterly Summary Report” was submitted by a hauler who felt that a heavy burden would be placed upon them to report in this manner. In addition, one letter was sent not opposing any of the options, but to show concern for Option 2, the “Comprehensive Trip Log” as confidential information may be shown to competitors when the proprietor is required to initial the form. The hauler also felt that a quarterly/annual report was still warranted for the generator and end-use facility to ensure the “Comprehensive Trip Log” was submitted by the Hauler.

Two additional letters were received by the Board that requested the Board to look at a “Bounty Incentive” for each manifest form submitted by the hauler, as an incentive to ensure the forms were correctly and promptly sent in. This “Bounty Incentive” was also mentioned at the January 24th Manifest workshop.

California Integrated Waste Management Board

Board Meeting

April 19-20, 2005

AGENDA ITEM 23

ITEM

Consideration Of Adoption Of Proposed Emergency Regulations And Request For Direction To Formally Notice Amendments To The California Uniform Waste And Used Tire Manifest System

I. ISSUE/PROBLEM STATEMENT

At the February 15, 2005 Board Meeting, the California Integrated Waste Management Board (Board) approved revisions to the Waste Tire Manifest System (WTMS) described in Option 2, Comprehensive Trip Log, in Agenda Item 22 (Attachment 1). The Board also directed staff to prepare emergency regulations for approval as needed to implement the Option 2 revisions to the WTMS.

Option 2 entailed developing a Comprehensive Trip Log (CTL) form that would be completed and submitted by the hauler on behalf of the generator and the end-use facility, in place of the current manifest form and trip log. This option is based on a new form to be completed by haulers who are not participating in electronic data submittal. The form would provide trip log "receipts" which are given to the generator and the end use facility. The information required on the CTL could be submitted electronically, or via paper format for data input, based on the hauler's invoice.

Pursuant to the Board's direction, staff has prepared proposed emergency regulations (Attachment 2) that revise the current Waste and Used Tire Hauler Registration and Manifesting regulations to phase in the new CTL to replace the current Waste Tire Manifest Form and Tire Trip Log.

II. ITEM HISTORY

Board staff have summarized the lengthy history of the Board's efforts in the area of waste tire manifests in the November 2004 Agenda Item, which is referred to in the February 2005 Agenda Item (Attachment 1). More recently, Board action included:

- On August 19 and September 8, 2004, workshops were held in Sacramento and Diamond Bar to obtain stakeholder input on ways to improve the efficiency and simplify the process used in the Waste and Used Tire Manifest System. Remedies such as a simpler manifesting document and further expanding the use of Electronic Data Transfer and/or a Web-Based Data Entry for haulers to input their manifest information and minimize their reporting requirements were discussed.

- On January 24, 2005, another workshop was held in Sacramento to obtain input from stakeholders concerning the “Comprehensive Trip Log” and the “Quarterly Summary Report,” and to demonstrate the ease of using the Web Based Data Entry option for haulers interested in using their own forms and submitting electronic reports to the Board. Both the CTL and Web Based Data Entry were well received by these stakeholders.
- At the February 15, 2005 Board Meeting, the Board approved revisions to the WTMS described in Option 2, CTL, in Agenda Item 22 (Attachment 1). The Board also directed staff to prepare emergency regulations for approval as needed to implement the Option 2 revisions to the WTMS.

III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the proposed emergency regulations for adoption with no change; find the proposed emergency regulations exempt from the California Environmental Quality Act (CEQA) process requirements, and direct staff to complete the rulemaking process with the Office of Administrative Law, and adopt Resolution Number 2005-101.
2. Approve the proposed emergency regulations for adoption with changes and direct staff to proceed as in Option No. 1.
3. Direct staff to take other actions consistent with the Board’s direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt the proposed emergency regulations and direct staff to submit the proposed regulation package to the Office of Administrative Law as presented in Option 1.

V. ANALYSIS

A. Key Issues and Findings

Attachment 1, the February 2005 Board Agenda Item on the WTMS provides a detailed discussion of the background, history, and critical issues considered during analysis of proposed changes to the WTMS, including the CTL alternative for which the Board directed staff to prepare emergency regulations. Attachment 1 also refers to the November 2004 Board Agenda Item on the WTMS, which provides a more thorough analysis of the CTL.

B. Environmental Issues

Compliance with the CEQA for this Rulemaking:

Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 - Actions by Regulatory Agencies for Protection of the Environment, is the appropriate categorical exemption supporting the proposed amendments’ exemption from CEQA.

“Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.”

If the Board determines the regulatory amendments are exempt from CEQA pursuant to the above noted exemption, staff will file a Notice of Exemption with the State Office of Planning and Research.

C. Program/Long Term Impacts

Please see the response to this heading in Agenda Item No. 22 (Attachment 1)

D. Stakeholder Impacts

The proposed CTL aligns the paper manifest process with the “only the hauler reports” EDT and Web-based data entry approaches. It provides for the collection and reporting of pertinent information on the pick up and delivery of tires. It identifies the generator, hauler and/or end user to each transaction. And while it does not provide “reconciliation” to each Hauler trip, it does provide specific information on the date, time, name and address, trucks and tire load amounts for the tracking and enforcement of waste tire haulers, generator and end users. The form as introduced to the stakeholders in the workshops both in Sacramento and Diamond Bar appeared to be acceptable to the community, as they liked its format and simplicity. The CTL form option will still provide an adequate enforcement and tracking ability while reducing the paper volume for stakeholders by up to 60 percent.

The CTL strikes a common sense compromise between the existing manifest system and tracking program needs for basic tire enforcement. It reduces business overhead for the hauler, generator, and end-use facility. For the Board, it reduces paper form printing, handling and processing.

It provides a common and uniform approach to Waste Tire data gathering by having both paper and electronic data processes whereby the hauler is the responsible reporting party, regardless of reporting options. And finally, it meets the intent of Senate Bill 876 for accountability of all parties in the tire transaction, while providing the information necessary for auditing enforcement of the State’s growing tire problem.

E. Fiscal Impacts

Funding will be required to reconfigure the existing WTMS database and for the development of the CTL. Developmental costs to expand the use of WTMS to incorporate the CTL will include development of the form, and printing and processing costs. These costs are expected to be moderate, as the CTL process will be built upon the existing WTMS, and those developmental costs have already been incurred. The additional funds can be allocated from the current Tire Fund.

F. Legal Issues

See Item History for the legal authority to enact these regulations.

G. Environmental Justice

The "California Uniform Waste and Used Tire Manifest System" is equally and uniformly applied to all applicable parties throughout the State of California regardless of income, population density, race, or ethnic origin.

H. 2001 Strategic Plan

With the implementation of the CTL, this item directly relates to the following goals and objectives of the Board's 2001 Strategic Plan:

- **Goal 1**—Increase participation in resource conservation, integrated waste management, waste prevention, and product stewardship to reduce waste and create a sustainable infrastructure:

Objective 1: Promote environmentally sound and financially viable waste prevention and materials management practices among all actors in the life cycle of products and services.

- **Goal 3**—Educate the public to better understand and participate in resource conservation and integrated waste management strategies.

Objective 1: Increase the level of environmental education and technical assistance support provided to all Californians about resource conservation and integrated waste management strategies.

- **Goal 5**—Improve the efficiency and effectiveness of the California Integrated Waste Management Board in pursuit of its mission.

Objective 3: Improve the exchange of and access to information internally and externally.

- **Goal 7**—Promote a "zero-waste California" where the public, industry, and government strive to reduce, reuse, or recycle all municipal solid waste materials back into nature or the marketplace in a manner that protects human health and the environment and honors the principles of California's Integrated Waste Management Act.

Objective 1: Promote source reduction to minimize the amount of waste generated.

VI. FUNDING INFORMATION

The \$1.1 million allocated in Table 10 of the Waste and Used Tire Hauler Program and Manifest System Budget of the Board-approved Five-Year Plan is adequate to accommodate the proposed program modifications to the WTMS.

VII. ATTACHMENTS

1. February 15-16, 2005 Board Agenda Item 22
2. Proposed Emergency Regulations
3. Resolution Number 2005-101

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff:	Tom Micka	Phone: (916) 341-6420
	Keith Cambridge	Phone: (916) 341-6422
B. Legal Staff:	Wendy Breckon	Phone: (916) 341-6068
C. Administration Staff:	N/A	Phone: N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-46

Consideration Of Adoption Of Comprehensive Trip Log Regulations For Waste Tire Hauler Manifesting Requirements For Retreaders, Used And Waste Tire Haulers, Generators, And End-Use Facilities

WHEREAS, the Public Resources Code (PRC), commencing with Section 42950, vests the California Integrated Waste Management Board (Board) with the responsibility for the administration of waste tire hauler and manifesting programs. Specifically, the Board must protect public health, safety, and the environment by establishing standards and a registration program for waste tire haulers and standards for manifesting waste and used tires for the waste tire generator, hauler, and end use facility; and

WHEREAS, the Board adopted revisions to the Waste Tire Hauler Registration and Manifesting regulations amending Title 14, California Code of Regulations, Division 7, Chapter 6, Article 8.5, which became effective July 1, 2003; and

WHEREAS, the California Uniform Waste and Used Tire Manifest System (WTMS) is an integral part of the Board's overall tire enforcement program, as it provides a tool that allows the Board to track waste and used tires to ensure proper storage and disposal; and

WHEREAS, the Board has directed staff to revise the WTMS to simplify the waste and used tire tracking and reporting process, improve the efficiency of the system, and reduce the paperwork burden; and

WHEREAS, at the February 15, 2005 Board Meeting, in Resolution 2005-53, the Board approved revisions to the WTMS and directed staff to prepare and submit emergency regulations for approval as needed to implement a new Comprehensive Trip Log (CTL) form; and

WHEREAS, at the April 19, 2005 Board Meeting, in Resolution 2005-101, the Board approved the emergency regulations regarding the CTL and directed staff to submit the necessary paperwork to the Office of Administrative Law (OAL) and commence the final rulemaking process for these regulations; and

WHEREAS, the Board provided public notice and a February 16, 2006 public hearing for the proposed regulations, and received one comment regarding the proposed regulations in accordance with Government Code Section 11340 et seq., and Title 1, California Code of Regulations, Sections 1 et seq.; and

(over)

WHEREAS, the Board finds that the promulgation of the revised regulations is necessary for the preservation of public health, safety, and the environment by specifying waste tire manifesting requirements for the WTMS; and

WHEREAS, the adoption of these regulations is categorically exempt from the California Environmental Quality Act, based on the Class 8 Exemption, entitled “Actions by Regulatory Agencies for Protection of the Environment,” found at Title 14, California Code of Regulations, Section 15308.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the revised regulations to Title 14, California Code of Regulations, Division 7, Chapter 6, Articles 8.5 as discussed at the Board’s April 19-20, 2005 Board meeting, and directs staff to submit the regulations to OAL for review, approval, and filing with the Secretary of State.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board finds these regulatory amendments to be exempt from California Environmental Quality Act as identified in Title 14, California Code of Regulations, Division 6, Chapter 3, Article 19, Section 15308 – Actions by Regulatory Agencies for Protection of the Environment.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 10 (Revised)

ITEM

Consideration Of Awards For The Targeted Rubberized Asphalt Concrete Incentive Grant Program (Tire Recycling Management Fund, FY 2005/06)

I. ISSUE/PROBLEM STATEMENT

The strengthening and expanding markets for rubberized asphalt concrete (RAC) is one of the program priorities of the new, focused strategy in the *Five-Year Plan for Waste Tire Recycling Management Program – 3rd Edition Covering Fiscal Years 2005/06-2009/10* (Five-Year Plan). In accordance with the California Integrated Waste Management Board's (Board) grant award process, staff is presenting its monthly award recommendations for the Targeted RAC Incentive Grant Program for Fiscal Year (FY) 2005/06.

These grants are geared to helping first-time and/or limited users of RAC by funding the differential cost of using RAC in lieu of conventional AC materials. Staff has received **eleven (11)** eligible applications and is recommending that the Board approve the ranking of the applicants and award funds totaling **one million seven nine hundred ~~ninety-three~~ thousand ~~nine hundred eighty-six~~ dollars (\$1,793,986 1,900,000)**. Staff is also requesting approval to enter into Grant Agreements with the eligible applicants.

II. ITEM HISTORY

At its May 11, 2005 Meeting, the Board adopted the Five-Year Plan, which allocates three million five hundred seventy-seven thousand dollars (\$3,577,000) for FY 2005/06 to fund the Targeted RAC Incentive Grant Program. The Board approved the criteria for this program at its September 2005 meeting and revised the criteria to enact monthly grant awards at its February 2006 meeting.

At its January 17, 2006 Meeting, the Board approved five grants for a total of **six hundred fifty thousand dollars (\$650,000)**.

III. OPTIONS FOR THE BOARD

The Board may decide to:

1. Approve the proposed grant awards and adopt Resolution Number 2006-47 to award **eleven** grants.
2. Disapprove the proposed awards and direct staff as to further action.

IV. STAFF RECOMMENDATION

Staff recommends Board approval of Option 1 – Approve the proposed Targeted RAC Incentive Grant awards and adopt Resolution Number 2006-47.

V. ANALYSIS

A. Key Issues and Findings

1. Application Evaluation Process

- The Notice of Funds Available (NOFA) was placed on the Board's Web site and mailed in November 2005 to more than 2,000 interested parties statewide.
- Staff received a total of **twelve** applications for the Targeted RAC Incentive Grant Program for this cycle of FY 2005/06, totaling ~~\$1,943,986~~ 2,050,000 in requested funding.
- Grants Administration Unit (GAU) entered the applications into the Grants Management System (GMS).
- GAU conducted an initial completeness review of each application.
- GAU distributed all **twelve** applications to the Cycle Lead.
- The Cycle Lead determined, with concurrence from the GAU, that **one** application should be disqualified from this cycle for reasons such as project ineligibility or applicant ineligibility. As a result, there were **eleven** eligible applications to rank.
- The Cycle Lead, with concurrence from the GAU, ranked the eligible applications. After completing the ranking process, the Cycle Lead listed all eligible applications in descending order. Please refer to Resolution Number 2006-47 for the resulting ranking.

2. Funding Recommendations

Staff recommends funding **eleven** applications based on their meeting the eligibility criteria for a total of ~~\$1,793,986~~ 1,900,000. Please refer to the proposed Resolution for this Item (Attachment **2**) for a listing of the recommended grant award recipients.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this Item.

C. Program/Long Term Impacts

1. Use of waste tires for products such as RAC helps eliminate the unlawful disposal and stockpiling of waste tires, thus resulting in long term environmental benefits to the State.
2. Industries that supply and manufacture RAC benefit from the Board's support of their markets through this grant program.

D. Stakeholder Impacts

- **Environmentalists:** Staff is unaware of any concern from environmentalists.
- **Industry and industry groups:** Staff is unaware of any concern from, or negative impact on, industry stakeholders.
- **Public Sector:** The public has an opportunity to contribute their suggestions to this and other grant programs during committee meetings, at conferences, during the development of the revision of the Five-Year Plan, and at Board meetings. In addition, the Waste Tire Program has a grants hotline, a dedicated telephone line and a grants e-mail address, instruments by which stakeholders may express concerns.

E. Fiscal Impacts

○ **Legislative Authority**

The Board receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the Tire Recycling Act (Statutes of 1989, Chapter 974) and related legislation. Public Resources Code (PRC) Section 42872(a) allows for the awarding of grants to public entities involved in activities and applications that result in reduced landfill disposal or stockpiling of waste tires.

F. Legal Issues

Based on available information, staff is not aware of any legal issues related to this Item.

G. Environmental Justice

All grant applicants are required as a condition of application and all grantees are contractually required to perform this grant in a manner consistent with the principles of Environmental Justice as defined in PRC Section 72000.

H. 2001 Strategic Plan

- **Goal 2:** Assist in the creation and expansion of sustainable markets to support diversion efforts and ensure that diverted materials return to the economic mainstream.
 - **Objective 2:** Encourage the use of materials diverted from California landfills and the use of environmentally preferable practices, products, and technologies.

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Tire Recycling Management Fund FY 2005/06	\$2,927,000	\$ 1,793,986 <u>1,900,000</u>	\$ 1,133,014 <u>1,027,000</u>	Targeted RAC Incentive Grants

VII. ATTACHMENTS

1. Grant Award List to Date
2. Resolution Number 2006-47

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Nate Gauff

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B. Legal Staff: Holly Armstrong

Phone: (916) 341-6060

C. Administration Staff: Roger Ikemoto

Phone: (916) 341-6116

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this Item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this Item was submitted for publication.

Targeted RAC Incentive Grant Awards To Date

January 2006

City of Galt	\$155,000
City of LaVerne	\$150,000
City of Nevada City	\$150,000
City of Placerville	\$ 70,000
City of Ripon	\$125,000

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-47 (Revised)

Consideration Of Awards For The Targeted Rubberized Asphalt Concrete Incentive Grant Program (Tire Recycling Management Fund, FY 2005/06)

WHEREAS, Public Resources Code Section 42872 authorizes the California Integrated Waste Management Board (Board) to issue grants to local governments involved in activities that result in reduced landfill disposal of used whole tires and reduced illegal disposal or stockpiling of used whole tires; and

WHEREAS, in May 2005, the Board allocated three million five hundred seventy-seven thousand dollars (\$3,577,000) for Fiscal Year (FY) 2005/06 for funding the Targeted RAC Incentive Grant Program in its approval of the *Five-Year Plan for the Waste Tire Recycling Management Program (3rd Edition)*; and

WHEREAS, on September 20, 2005, the Board approved the Eligibility Criteria, Priority Categories and Evaluation Process for the Targeted RAC Incentive Grant Program for FY 2005/06 and FY 2006/07; and

WHEREAS, on February 14, 2006, the Board revised the Eligibility Criteria, Priority Categories and Evaluation Process for the Targeted RAC Incentive Grant Program for FY 2005/06 and FY 2006/07; and

WHEREAS, staff reviewed and evaluated all qualified grant proposals based on the approved eligibility criteria and evaluation process; and

WHEREAS, the award of the Targeted RAC Incentive Grant Program for FY 2005/06 is contingent upon, and subject to, the availability of funds allocated for this Grant Program.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the award of the Targeted RAC Incentive Grant Program for FY 2005/06 and directs staff to develop and enter into Grant Agreements with the applicants listed below.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the award of each Grant is conditioned upon the return by the proposed Grantee of a completed and executed Grant Agreement within ninety (90) days of the date of mailing of the Grant Agreement package by the Board.

(over)

NOW, THEREFORE, BE IT FURTHER RESOLVED that the award of each Grant is further conditioned upon full payment of any outstanding debt owed by the proposed Grantee to the Board within ninety (90) days of this grant award by the Board.

<u>Eligible Applicants</u>	<u>Funding Recommendation</u>
City of Lompoc	\$200,000
County of Santa Cruz <u>County</u>	\$200,000
City of Fremont	\$175,000
City of Rancho Cordova	\$175,000
City of Sacramento	\$175,000
City of Calipatria	\$159,986 <u>200,000</u>
City of Baldwin Park	\$150,000
City of Delano	\$150,000
City of San Fernando	\$150,000
City of Pittsburg	\$146 <u>175,000</u>
City of Brea	\$113 <u>150,000</u>
TOTAL	\$1,793,986 <u>1,900,000</u>

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary

Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 11 (Revised)

ITEM

Report On The Status Of And Request For Direction For The Remediation Of The Sonoma County Waste Tire Sites

I. ISSUE/PROBLEM STATEMENT

The eight sites identified herein as the Sonoma County Waste Tire Sites - the Beebe Family Ranch site, the Briggs site, the Silacci site, the Universal Portfolio site, the Wilson Beebe Trust site, the Infineon site, the Flochinni site and the Ahlgrim site - constituted the largest known remaining waste tire sites in the State.

In July of 2003, the California Integrated Waste Management Board (Board) held a meeting with respect to these sites, which represented a culmination of many years of protracted enforcement efforts and paved the way to finally assuring that these sites are remediated. Enforcement at these sites had been complicated by the landowners' assertion that placement of tires on these sites was at the recommendation of legislatively enabled Soil Conservation Districts, which in essence considered the use of waste tires as erosion control a "beneficial reuse" of the tires. At this meeting, the Board set forth a process through which it and the landowners could work cooperatively to assure that the long-awaited remediation of these sites would finally come to fruition (with the exception of the Ahlgrim site, which will be seeking to join this process shortly). Pursuant to this process, the Board would manage the waste tire removal component of the remediation (and negotiate cost recovery for these costs), and the landowners would: (a) accept full responsibility for all projects undertaken at their properties; (b) obtain all permits and/or other authorizations required by any other public agency; and (c) accept full responsibility for any mitigation measures required by any public agency as a result of the waste tire removal (including but not limited to erosion control, slope stability and/or wildlife protection).

The Board last reviewed this matter at its August 16, 2005 Board Meeting. At that meeting, five of the eight sites (the Beebe Family Ranch, Briggs, Silacci, Universal Portfolio, and Wilson Beebe Trust sites) indicated that they were or would shortly be prepared to proceed with remediations that summer/early fall, and all but one of these sites have now completed all tire removal and site restoration activities. In total, an estimated 12,600 tons of waste tires and related materials (soil and debris commingled with the tires) were removed last year, representing approximately 80% of the total tires and related materials estimated to be collectively present at the eight sites. Board staff and their engineers are now in the process of assuring that the landowners' site restoration activities were properly performed in accordance with the engineer-approved work plans, as required under the terms of our negotiated cost recovery agreements.

At the August 16, 2005 Board Meeting, the Board directed staff work with lead agency Southern Sonoma Resource Conservation District (So. Sonoma RCD) with respect to assuring that those sites not cleaned up last summer are remediated as soon as possible, so that the Board can finally bring closure to this long-standing problem. This item reports on: (a) the status of the four sites remediated last year; and (b) the status of the four remaining Sonoma County Waste Tire Sites, and seeks further direction with respect to timetable changes proposed by the lead agency and the landowners. This item also addresses the justification for removing the tires, and briefly reiterates the history on this issue and why the two scenarios which could potentially lead to leaving the tires in place have both already been deemed unacceptable to the landowners.

II. ITEM HISTORY

At the August 16, 2006 Board Meeting, staff updated the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), approved at the July 15, 2003 meeting.

At the February 18, 2004 Board Meeting, staff updated the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), approved at the July 15, 2003 meeting.

At the July 15, 2003 Board Meeting considering remediation options for the Sonoma County waste tire sites, the Board directed staff to issue Cleanup and Abatement Orders to five waste tire sites and negotiate with the landowners regarding a Board managed remediation limited to tire removal and cost recovery only.

Prior to the July 15, 2003 Board Meeting, the Special Waste Committee had conducted a workshop on September 19, 2002 in Sonoma County to get a status report and hear testimony from the landowners, Board staff, and other regulatory agencies on the Sonoma County waste tire sites. A similar presentation was also made to the Special Waste Committee on April 8, 2003.

There had also been discussion of the Sonoma tire sites by the Special Waste Committee and the Board during the Workshops and Board Meetings in response to testimony on the *Five-Year Plan for the Waste Tire Recycling Management Program*.

III. OPTIONS FOR THE BOARD

Not applicable, as this is a discussion Item and not a consideration Item.

IV. STAFF RECOMMENDATION

Not applicable, as this is a discussion Item and not a consideration Item.

V. ANALYSIS

A. Key Issues and Findings

1. Status of the Four Sites Remediated Last Year

As previously related, the Beebe Family Ranch, Briggs, Silacci, and Wilson Beebe Trust sites have now completed all tire removal and site restoration activities. In total an estimated 12,600 tons of waste tires and related materials (such as silted-in soils) were removed last year, representing approximately 80% of the total tires and related

materials estimated to be collectively present at the eight sites. While most sites elected to remove all of the tires, pursuant to the negotiated cost recovery agreement for the Silacci site, the Board “allow[ed] the bottom layer of tires (which are arguably currently providing erosion control) to be incorporated into the final erosion control application, so long as there is no potential for the tires resurfacing.”

Board staff and their engineers, Engineering/Remediation Resources Group, Inc. (ERRG), are now in the process of conducting an engineering evaluation of the site restoration projects undertaken by the landowners at the above sites, in an attempt to ascertain whether the projects were completed in accordance with their engineer-approved plans, and any engineer-approved change orders or addendums, as required under the terms of our negotiated cost recovery agreements. Requests have been made in all cases for “as-built” drawings to be provided, reflecting the incorporation of changes to the completed projects. This evaluation is being conducted in two stages: (1) an initial surface inspection of the sites to confirm (to the extent possible) that the projects were actually performed in accordance with the final plans; and (b) follow-up inspections to evaluate the performance of the erosion control/slope stability features after seasonal storms have impacted these sites, to determine if the sites performed within expectations for the design chosen by each landowner (as such analysis provides further indication of whether the projects were performed to specifications). The full results of ERRG’s evaluation to date (ERRG Evaluation) are attached to this Item.

Restoration Work Review: To date only two of the four sites (the Beebe Family Ranch and Silacci sites) have provided sufficient documentation on the restoration plan and as-builts for ERRG to comment on whether the work was done to specifications.

With respect to the Beebe Family Ranch site, ERRG has affirmed that the restoration work appears to have been completed in accordance with the engineer-approved plans, and any engineer-approved change orders or addendums, as required under the terms of the negotiated cost recovery agreement.

With respect to the Silacci site, ERRG notes the following areas of ongoing concern:

“The As-Built Plan does show a couple changes that are different from the approved Grading and Drainage Plans. The Grading Plan accurately depicted the extent of the tire piles at both sites. However, on the As-Built Plan, the limits of the tire pile at Site A has been inaccurately extended downstream of the actual tire pile. The Grading Plan called for rip-rap at the outlets of the two sites; this rip-rap was not installed, and is not shown on the As-Built Plan. The final grading contours of Site A shown on the As-Built Plan do not match the Grading Plan contours for this area. The grades are up to 8 feet lower over the central area of Site A. At Site B, the final grading contours directly over the tire removal area are within 1 to 2 feet of the design. Downstream of the tire removal area a wedge of fill up to 8 feet deep was placed in the existing channel. ERRG has no documentation or revised plans showing if these changes to the design had been approved or if the full plan was not fully implemented.”

This potential omission of rip-rap at the two outlets appears to have had an impact at the site. While ERRG's January 12, 2006 visit to the site to review the erosional impact on the work areas after the December 30-31, 2005 Storm Event did not show evidence of erosion in the areas where fill was substituted for the tires, ERRG does indicate the following concern:

“[E]rosion at the site took place downgradient of the tire areas, in the areas where the surface flow was concentrated as it was directed into the existing drainage channels leading to the main drainage channel through the site. These are the areas where you would most likely expect erosion due to the higher flow velocities in the smaller cross-sectional areas, and these are the areas where the Grading and Drainage Plans had proposed the placement of rip-rap as part of the erosion control features.”

The agreement for negotiated cost recovery at this site provides in part:

“The landowners accept full responsibility for any mitigation measures required by any public agency as a result of the waste tire removal (including but not limited to erosion control, slope stability and/or wildlife protection), and complete such work in accordance with their engineered design plans). To the extent such work is completed in accordance with the design plans, the landowner's engineer may determine that such plans be deemed to constitute the “as-built” plans, and shall notify the Board in writing of the same. If however, the landowner elects to deviate from the design plans, any such deviation shall be reflected in a change order, approved by the landowner's engineer as being appropriate for the project, and be reflected in the as-built plans provided to the Board upon completion of the work. The Board's responsibilities terminate upon removal of the tires, and it will not be considered a party to any future issues associated with any mitigation measures....”

Based on the foregoing, the concerns addressed in the ERRG Evaluation will need to be resolved in order for this site to meet the requirements for negotiated cost recovery.

2. Status of the Four Remaining Sonoma County Waste Tire Sites

Universal Portfolio Site: This site was one of the five sites which had indicated at the August 16, 2005 Board Meeting that it would shortly be prepared to proceed with remediations in the summer/early fall. Specifically, the site's representative stated at the meeting: “[W]e have obtained a grading permit and we're ready to do it.... We look forward to spending additional money on the restoration part of this, which we don't have the bid for yet, but we hope to have in the next couple of days.” As with all of the sites committing to proceed last year, timing was crucial, as the work needed to start promptly in order to assure that the tire staging and site restoration work could all be completed before commencement of the rainy season in mid to late October. Unfortunately, by mid September the site had yet to retain a contractor to perform the restoration work (after all of the other sites were well under way), and thus the site could not proceed as scheduled. This was unexpected, as the site had announced in early February 2005 that it was in the process of meeting with the County concerning acquiring a County grading permit (the only permit required for

this site) for a summer remediation, and thus had ample time to procure competing contractor bids for the restoration work, with retainment of the winning bidder, contingent on the landowner and Board coming to terms on negotiated cost recovery. Moreover, since as early as the summer of 2003, the site had the estimate by the Board's contractor of the number of tires on site (estimated in the July 15, 2003 Agenda Item at 211,000 tires) and was apprised that in order for the Board to negotiate cost recovery prior to commencement of work, it would need the landowner's estimated expenses (the bulk of which for most sites would be the contractor's bid for the restoration work).

The lack of progress at this site arose as an issue during the Deputy Director's Report at the September 14, 2005 Special Waste Committee Meeting, during which the Committee expressed its disappointment with this development. Nevertheless, the site representative advised in late September that Universal Portfolio will be prepared to commence remediation early this coming summer, and negotiated cost recovery remains available to this site based upon such assurance (though the amount may be impacted by the lack of progress last year, unless a showing of good cause is provided for the delay). Staff expects the site to present to the Board its contractor bid for an early summer remediation and additional information supplementing its prior request for negotiated cost recovery forthwith, so that ideally a presentation may be made by the site at the April Board Meeting.

The Infineon, Flochinni and Ahlgrim Sites: At the August 16, 2005 Board Meeting, staff requested and received the following direction from the Board:

“Board staff seeks direction with respect to assuring that those sites not cleaned up this summer are remediated as soon as possible, so that the Board can finally bring closure to this long-standing problem. Staff notes that through its recent involvement as lead agency (in conjunction with its consultant) on the Beebe Family Ranch project, staff was able to resolve the environmental and regulatory issues related to this waste tire removal project in Sonoma County in a timely manner. Staff and its consultant could offer its assistance to and meet with the lead agency to review the status of each of the projects and offer suggestions as to how to possibly expedite certain regulatory processes. It is anticipated that such a cooperative venture between Board staff and the lead agency would be productive, and Staff could report back to this Board as to the progress being made toward remediation at a future meeting.”

In furtherance of this direction, staff wrote a letter to lead agency So. Sonoma RCD in late November 2006, which provided in part:

“At the August 16th Board meeting in Sonoma, you indicated that both the CEQA studies, as well as the initial study environmental check list, had been completed, and that you had retained an environmental consultant who was presently working on the permits. You further noted that your goal was to have all of the permits in place by early spring, and that these sites were thus hopefully on track for a remediation next summer.... Now that you have had some time to progress further along on the permit process, this appears to be an opportune time to schedule such a meeting.... [W]e are amenable to an early January meeting [to accommodate their holiday office closure] Additionally, we request review of

applicable documents prior to the meeting, whether they be in final or draft versions, including: (a) the Initial Study, which we presume includes a detailed project description and incorporates the restoration plans (if not, please provide these documents as well); and (b) the permit applications, including, but not limited to, any joint aquatic resource permits application.... [W]e would appreciate receipt of same... by December 15th.”

To date, neither the documents nor a date for the meeting have been forthcoming, notwithstanding repeated requests by staff. As previously related, the lead agency and the landowners are requesting timetable changes. Regardless of the direction the Board provides in this regard, this lack of responsiveness is unacceptable, particularly since all that was asked for with respect to documents were the present draft versions, so no additional effort was required to comply.

Assuming an improvement in responsiveness, staff seeks direction with respect to the lead agency’s request for timetable changes with respect to these sites. Although information in this regard from the lead agency to date has been limited, apparently the request is predicated on two issues, addressed below.

a. The “100-Year Storm” of late December has Prompted the Lead Agency and the Landowners to Reconsider the Scope and Scale of Their Restoration Efforts.

As set forth in more detail in the attached ERRG Evaluation, heavy rains in December 2005, particularly in the last week of December 2005, resulted in widespread flooding and associated erosion throughout Sonoma County. Based on available data, the storm exceeded the “100-year flood event” for Rohnert Park by a wide margin for durations of 8 hours and longer. Indeed, this past December was the fourth wettest month for all months since records for the “8-station index” began in 1920. Moreover, the rain event resulted in overbank flooding and excessive peak flows in local streams that contributed to considerable bed and bank channel erosion, surficial landslides, and erosion of unimproved roads in the area. Peak flows in Sonoma Creek were estimated at approximately 18,000 cubic feet per second. This event is the highest event recorded over the fifty year period of record, and at a minimum, it is considered between a fifty year and one hundred year flood event. In addition, recent channel surveys following the event show significant changes in channel cross section, and evidence of both severe erosion and areas of considerable sedimentation. Finally, President Bush declared Sonoma County, and eight other California counties, disaster areas due to the severe floods that inundated parts of the State, including Petaluma.

Based on the foregoing, it is understandable that the lead agency and the landowners might want to reconsider the scope and scale of the restoration efforts. Just as the public agencies and communities which had suffered through Hurricane Katrina are now reconsidering whether levees designed to withstand a “level three” hurricane are still sufficient, given the severity of that storm, here it appears appropriate to provide a reasonable amount of time for the lead agency and landowners to conduct a similar analysis with respect to their erosion control and slope stability plans. However, given the paucity of information staff has been receiving on this matter, it is difficult to ascertain at this time precisely what is being proposed in this regard, the timetable

for coming to a determination, and the impact a change in plans would have on the status of the environmental impact documents. Thus staff is unable to make a recommendation as to proposed direction sought from the Board in this regard at this time, and is hopeful that the documentation and additional information will now be provided so that staff may offer input at the upcoming Board Meeting.

b. The Landowners have Renewed their Request that the Remaining Tires be Buried, yet the Two Scenarios which could Potentially Lead to Leaving the Tires in Place Have Both Already Been Deemed Unacceptable to the Landowners.

The landowners are apparently prepared to request that the Board revisit one of the issues addressed at the July 2003 Board Meeting (at which the Board set forth a process for remediation of these sites), namely the option of burying the tires on site (Option 4 in the July 2003 Item). It appears that there are two issues at the heart of this matter: (1) can the waste tires be buried at the sites in such a manner that their burial would not result in the creation of a solid waste disposal site under the Integrated Waste Management Act; and (2) if burial is deemed to create such a disposal site, can an exception be made to the permitting and enforcement requirements for such a site, given the unique circumstances presented here.

1. Can The Waste Tires Be Buried At The Sites In Such A Manner That Their Burial Would Not Result In The Creation Of A Solid Waste Disposal Site Under The Integrated Waste Management Act?

The parties went to great lengths prior to the July 2003 Item to attempt to craft a remedy where the predominant purpose of the project was not simply burial, but instead to fashion a viable civil engineering application where the whole tires are incorporated into an erosion control design. If such a design could be implemented, then the project would not result in the creation of a solid waste disposal site. This is consistent with 14 California Code of Regulations (CCR) 17346(f), which provides for the beneficial reuse of "altered" tires (defined in Section 17345.1(b) as "a waste tire that has been baled, shredded, chopped or split apart.")

The landowners' plans in this regard basically called for covering the tires with geotextile fabric, burying the whole tires in place, revegetating the surface, and implementing engineered surface runoff controls. These plans were reviewed by both Board staff, as well as a consultant for civil engineering applications of waste tires, Dana Humphrey. Based on this review, it was concluded that the buried, whole tires were not an integral part of the proposed erosion control design. Instead, the tires were simply being buried and functioning as unstable "fill material." The instability of whole tires as fill material was the basis for the legislature's prescription for encouraging the shredding of used tires (Public Resources Code (PRC) Section 42865(a)), and the Board's regulation requiring shredding prior to landfilling (14 CCR 17355(a)). As stated in the Final Statement of Reasons for the regulation:

"Another common problem at landfills is that whole tires tend to rise to the surface of a landfill due to their flexibility and buoyancy compared to the surrounding waste and soil. As a result, tires often penetrate or damage the integrity of the landfill cover following the closure of the facility."

Notwithstanding the above, efforts were made by Board staff and their consultant to attempt to modify two of the four designs proposed by the landowners in an attempt to craft a viable engineering application.¹ The results of these efforts are reflected in the Comment Letter by consultant Dana Humphrey, dated November 28, 2000 (Attachment 4 to the July 2003 Item). One area of modification related to an expansion of the landowners' proposed incorporation of tire shreds into their designs. As stated in the comment letter:

“The 3-ft thick soil cover is an important feature of the project. The sketch labeled “section” shows that the thickness of the soil cover decreases near the perimeter of the whole tire zone. This is unacceptable. I recommend that the soil cover should be a minimum of 3-ft thick over the entire whole tire zone. In addition, the soil cover should be firmly keyed into undisturbed soil at the perimeter of the tire shred zone. The soil cover will be founded on a layer of tire shreds. This layer should be a minimum of 2-ft thick. The thickness should be measured at the high points of the underlying whole tires. Since the surface of the whole tires will be uneven, the average thickness of tire shreds will be greater than 2-ft. For estimation of quantities, an average thickness of 3 ft should be anticipated. The tire shreds should meet the requirements for Type B tire shreds as defined in the attached specifications. Tires that have been processed by a single pass through a tire shredder generally do not meet the requirements for Type B shreds. Thus, more extensive processing will be required. Geotextile (filter fabric) will be used as a separator between the tire shred layer and the overlying soil layer. The geotextile should meet the requirements for AASHTO M288-96 Class 2 separation geotextile.”

Our understanding is that the additional requirements set forth in the Comment Letter, including, but not limited to, the above-stated need for an average tire shred layer thickness of 3 feet, with extensive processing (which would likely need to be performed “off-site”), made the civil engineering application proposals cost-prohibitive, and thus not a viable option for the landowners. This then leads us to the second issue at the heart of this matter.

2. If The Burial of the Waste Tires Is Deemed To Create A Solid Waste Disposal Site Under The Integrated Waste Management Act, Can An Exception Be Made To The Permitting And Enforcement Requirements For Such A Site, Given The Unique Circumstances Presented Here?

As stated in the July 2003 Item, PRC Section 44002 prohibits the operation of a solid waste facility by any person who has not been issued a solid waste facility permit. Thus the Board is constrained from sanctioning an activity which is essentially disposal (i.e., the burial of tires) without fashioning some form of permitting and enforcement requirements for the site. With respect to the burial of tires, the Board has adopted the Waste Tire Monofill Regulations (14 CCR 17346, et seq.), which require the shredding of whole tires prior to landfilling.

¹ One of the two remaining proposed designs was determined to have serious design flaws and thus could not be used. The last of the proposed designs could not be adequately evaluated based on the information provided.

It is important to note that even if the Board were to consider adopting regulations allowing the landfilling of whole tires in “unique circumstances” (and assuming the concern over the proclivity of tires rising to the surface could be assuaged), such consideration would not relieve the landowners from having their properties deemed “disposal sites,” requiring some level of permitting and enforcement by the local enforcement agency and the Board. Staff’s understanding is that any resolution which deemed these sites disposal sites, requiring County clearance and Board permits, was unacceptable to the landowners, and that was one of the reasons this course of action was not further pursued.

In any event, to further underscore the constraints under which the Board operates when regulating disposal sites, staff offers, by analogy, a review of the Board’s efforts to identify certain waste types which merit less stringent regulation than municipal solid waste. Specifically, regulations became operative last year allowing “Inert Debris Type A Disposal Facilities” to operate under a less stringent “registration permit” (14 CCR 17387, et seq.). Type A inert debris includes such material as “concrete ... fully cured asphalt, crushed-glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products” (14 CCR 17388(k)(1)).

The following recitation from the Final Statement of Reasons for these regulations is illustrative of the thought process underlying the reduction of Board review and oversight for these materials:

“To remedy the problems associated with a “one-size-fits-all” permit system, in 1995 the CIWMB adopted regulations (Title 14, Chapter 5, Article 3, Sections 18000 through 18105.11) which established a flexible framework of regulatory oversight by the CIWMB for a wide range of solid waste operations. The framework, known as “regulatory tiers,” has fewer stringent application and review procedures than the traditional solid waste facility permits which have been utilized for landfills for certain solid waste handling activities, regardless of size or type (referred to herein as “full” solid waste facility permits). The level of regulatory oversight provided by the regulatory tiers is commensurate with the potential impact that the operation may pose to public health, safety and the environment....

The regulations define ... inert debris disposal ... facilities, place these ... facilities into the regulatory tiers, and establish regulatory oversight, permitting requirements, and minimum operating standards to protect public health, safety and the environment. The regulations establish a streamlined, simplified regulatory process for ... inert debris disposal ... facilities, which clarifies the CIWMB's regulation of these operations and facilities for statewide consistency, while still protecting public health, safety and the environment. The level of CIWMB review and oversight for the operations and facilities subject to these regulations is reduced from what is currently required under a full solid waste facility permit to that provided under the lower tiers.”

Based on the foregoing, Inert Debris Type A Disposal Facilities are allowed to operate under a “Registration Permit,” rather than a full solid waste facilities permit (14 CCR 17388.4). Nevertheless, such facilities still need to comply with a number of regulatory requirements, including: submission to monthly inspections; the filing of disposal facility plans; compliance with closure and postclosure maintenance requirements (and the financial assurance requirements attendant thereto); maintenance of disposal reporting records, including the weight of material landfilled; and compliance with State Minimum Standards (Id.).

As is evident from the above, even if whole waste tires were categorized as Type A inert debris (which they presently are not, given the proclivity for resurfacing and other considerations), such a classification would not relieve the landowner from some level of permitting and enforcement regulation under the Integrated Waste Management Act.

B. Environmental Issues

This is a discussion Item updating the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), regarding Agenda Item 3 at the July 15, 2003 Board Meeting entitled “Consideration of Remediation Options for the Sonoma County Waste Tire Sites.” No new environmental issues have come to light since that Item was considered.

C. Program/Long Term Impacts

This is a discussion Item updating the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), regarding Agenda Item 3 at the July 15, 2003 Board Meeting entitled “Consideration of Remediation Options for the Sonoma County Waste Tire Sites.” No new program/long term impacts have come to light since that Item was considered.

D. Stakeholder Impacts

This is a discussion Item updating the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), regarding Agenda Item 3 at the July 15, 2003 Board Meeting entitled “Consideration of Remediation Options for the Sonoma County Waste Tire Sites.” No new stakeholder impacts have come to light since that Item was considered.

E. Fiscal Impacts

This is a discussion Item updating the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), regarding Agenda Item 3 at the July 15, 2003 Board Meeting entitled “Consideration of Remediation Options for the Sonoma County Waste Tire Sites.” No new fiscal impacts have come to light since that Item was considered.

F. Legal Issues

This is a discussion Item updating the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), regarding Agenda Item 3 at the July 15, 2003 Board Meeting entitled “Consideration of Remediation Options for the Sonoma County Waste Tire Sites.” No new legal issues have come to light since that Item was considered.

G. Environmental Justice

This is a discussion Item updating the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), regarding Agenda Item 3 at the July 15, 2003 Board Meeting entitled "Consideration of Remediation Options for the Sonoma County Waste Tire Sites." No new environmental justice impacts have come to light since that Item was considered.

H. 2001 Strategic Plan

This is a discussion Item updating the Board on the implementation of its direction in Resolution Number 2003-383 (Revised), regarding Agenda Item 3 at the July 15, 2003 Board Meeting entitled "Consideration of Remediation Options for the Sonoma County Waste Tire Sites." No new 2001 strategic plan issues have come to light since that Item was considered.

VI. FUNDING INFORMATION

Not applicable.

VII. ATTACHMENTS

1. Letter from Peter D. Loveridge, P.E., of Engineering/Remediation Resources Group, Inc. to Bob Fujii of CIWMB dated February 15, 2005.

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Albert Johnson/Bob Fujii

Phone: (916) 341- 6687

B. Legal Staff: Steven J. Levine

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C. Administration Staff: N/A

Phone: N/A

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Not applicable, as this is a discussion Item and not a consideration Item.

B. Opposition

Not applicable, as this is a discussion Item and not a consideration Item.



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February 15, 2005

Ref.: 25-039,070,083,109

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Review of Silacci, Beebe Family Ranch, Wilson Beebe, and Valley Ford (Briggs) Tire Sites
Petaluma, CA

Dear Bob:

As you requested, we have conducted an engineering evaluation of the site restoration projects undertaken by the landowners at the above sites, in an attempt to ascertain whether the projects were completed in accordance with their engineer-approved plans, and any engineer-approved change orders or addendums. Requests were made in all cases for "as-built" drawings to be provided, reflecting the incorporation of changes to the completed projects. This evaluation was conducted in two stages: (1) an initial surface inspection of the sites to confirm (to the extent possible) that the projects were actually performed in accordance with the final plans; and (b) follow-up inspections to evaluate the performance of the erosion control/slope stability features after seasonal storms have impacted these sites, to determine if the sites performed within expectations for the design chosen by each landowner (as such analysis provides further indication of whether the projects were performed to specifications).

The four sites are:

- Silacci Legacy Tire Site at 6157 Lakeville Highway
- Beebe Family Ranch at 4223 Adobe Road
- Wilson Beebe Waste Tire Site at 8980 Roblar Road
- Valley Ford Briggs Waste Tire Site at 12528 Valley Ford Road

This letter is divided into four sections: 1) the review of the restoration plans and as-built reports based on inspections of the sites; 2) Any observations on the erosion conditions at the sites prior to the December 30-31 storm event; 3) An overview of the December 30-31 storm event; and 4) Observations on the erosion conditions at the sites following the December 30-31 storm event.



Restoration Work Review

Silacci – Legacy Tire Site: I initially visited the Silacci site on December 7, 2005 and visually inspected the areas shown on the As-Built drawing prepared by CSW/Stuber-Stroeh Engineering Group, Inc. The drainage elements at the two sites, Sites A and B, and downstream along the drainage swale were all in place as shown on the As-Built Plan. Sites A and B had both been regraded, as shown, and had been seeded. The grass was well established over disturbed areas at both sites.

The As-Built Plan does show a couple changes that are different from the approved Grading and Drainage Plans. The Grading Plan accurately depicted the extent of the tire piles at both sites. However, on the As-Built Plan, the limits of the tire pile at Site A has been inaccurately extended downstream of the actual tire pile. The Grading Plan called for riprap at the outlets of the two sites; this rip-rap was not installed, and is not shown on the As-Built plan. The final grading contours of Site A shown on the As-Built Plan do not match the Grading Plan contours for this area. The grades are up to 8 feet lower over the central area of Site A. At Site B, the final grading contours directly over the tire removal area are within 1 to 2 feet of the design. Downstream of the tire removal area a wedge of fill up to 8 feet deep was placed in the existing channel. ERRG has no documentation or revised plans showing if these changes to the design had been approved or if the full plan was not fully implemented.

The attached photographs, S1 and S2 show Site A shortly after the restoration work was completed. S3 shows Site B after restoration work was completed. These photos were taken prior to my visit.

Beebe Family Ranch: I initially visited the Beebe Family Ranch site on December 14, 2005 and visually inspected the North, Middle, and South pile areas discussed in the Project Work Plan and the “Memorandum of Changes During Construction for Beebe Family Ranch Project” prepared by EBA Engineering for the Beebe Family Ranch on November 18, 2005. The stream channel and slopes in the area in the North, Middle, and South pile areas had all been restored following the original project plans and the changes outlined in the Memorandum. The slopes had been graded and vegetative blankets and wattles were put in place for erosion control. Drain rock has been placed along the channel bed in the North Pile area. Check dams had been installed along all three areas. The mitigation pond berm had been constructed west of the Lower Pile area. The new outfall from the stock pond is in place with a rock check dam at the outlet into the drainage course.

The perimeter ditch, the drop inlets along the ditch, piping and riprap outfalls into the main channel shown on the figures in the November 18th Memorandum were not installed. Following the visit, this was brought to the attention of EBA Engineering. EBA reissued the Memorandum on January 23, 2006 which addressed these changes as part of the new mitigation pond construction and grading.



The attached photographs, B1 and B2, show the North Pile area with rock blanket layer and Middle Pile area grading after the bulk of the restoration work was complete. These photos were also taken prior to my visit.

Wilson Beebe and Briggs: Currently, ERRG has not received any documentation on the restoration plan and as-built for the Wilson-Beebe and the Briggs sites, so they will not be addressed.

Pre-Storm Event Erosion

Only the Silacci and Beebe Family Ranch sites were visited prior to the New Year's storm event and the heavy rains throughout most of December. Both sites had received rainfall within the weeks prior to the visit. Neither site showed any erosion impacts due to the storm events in the area.

December 30-31, 2005 Storm Event

Jenifer Beatty of Levine - Fricke compiled the following information about the December 30-31 Storm Event:

Heavy rains in December 2005, particularly in the last week of December 2005, resulted in flooding and associated erosion throughout Sonoma County. A series of storms from Christmas Day through New Year's Day brought heavy to excessive amounts of precipitation across northern California resulting in widespread flooding. The Russian and Napa Rivers took the brunt of the excessive precipitation during the December 30-31, 2005 storm event.

The rain gage located at the California Department of Forestry (CDF) Santa Rosa station recorded 5.28 inches in the 48 hour period from December 30, 2005 to January 1, 2006. According to Sonoma State University's weather station, Rohnert Park received 5.8 inches of rain from 3AM on December 30th to 8AM December 31st. Based on that station data, the storm exceeded the "100-year flood event" for Rohnert Park by a wide margin for durations of 8 hours and longer. Also, data collected by the California Department of Water Resources (DWR) 8-station index, an average of 8 rain gages located along the northern Sierra Nevada between Lake Shasta to the north and the American River basin to the south, recorded 25.8 inches of rain in December 2005, making this past December the 4th wettest month for all months since records for the 8-station index began in 1920.

The Napa and Sonoma region suffered more flooding following this event than many other communities, according to Gary Bardini, DWR's Chief of Hydrology. The December 30-31 rain event resulted in overbank flooding and excessive peak flows in local streams that contributed to considerable bed and bank channel erosion, surficial landslides, and erosion of unimproved roads in the area. Peak flows in Sonoma Creek (Agua Caliente gauge) were estimated at approximately



18,000 cubic feet per second (cfs). This event is the highest event recorded over the fifty year period of record, and at a minimum it is considered between a fifty year and one hundred year flood event. Recent channel surveys conducted by Laurel Collins for the Sonoma Ecology Center following the event show significant changes in channel cross section and evidence of both severe erosion and areas of considerable sedimentation.

"When you look at the Napa and Sonoma area, the location does not have a set of reservoir systems and unfortunately is not able to handle peak rainfall, which translated into some urban flooding for that community," Bardini said. Farmer Bill Eiler, who grows hay and small grains, experienced quite a bit of damage from high water including debris, field erosion and bank erosion.

"We have tree limbs, logs, gravel, sediment and trash spread over about 125 acres of our ranch that will need to be removed," Eiler said. "Field erosion happened on approximately 10 acres that will need to be re-leveled. Many of our graveled roads are silted over or washed out. We will need to grade and apply new gravel to these roads. We also have three bank erosion areas, which will need considerable repair."

President Bush declared Sonoma County and eight other California counties disaster areas due to the severe floods that inundated parts of the state, including Petaluma. The assistance offered can include grants to pay for temporary housing or home repairs and low-interest loans to help businesses and homeowners pay for losses not fully covered by insurance.

Sources:

California Farm Bureau Federation; "Officials Evaluate Flood Damage, Seek Aid," Christine Souza, January 11, 2006; National Weather Service,

City of Rohnert Park, Current Issues, 2006,

Petaluma Arugs Courier, Monday February 6, 2006.

Post-December 30-31, 2005 Storm Event

Following the December 30-31 storm, ERRG was asked to review the erosional impact on the work areas at the four sites. The Silacci and Beebe Ranch sites were visited on January 12, 2006. The visits to the Briggs and Wilson Beebe sites took place on January 18, 2006.

Silacci – Legacy Tire Site: At the Silacci site, there was erosion due to the storm at both of the tire removal areas. Not all of the tires were removed from these areas. Embedded tires were left undisturbed at the bottom of both fill areas except in one small portion of the Site B tire area. In this small area, it was necessary to temporarily remove the tires down to bare soil in order to provide a stable base for the excavation of the main tire pile. These tires were replaced upon



completion of the removal work in the area, and then buried during the backfill and restoration efforts. The areas directly above these remaining tires showed no evidence of erosion and held up well. However, erosion at the site took place downgradient of the tire areas, in the areas where the surface flow was concentrated as it was directed into the existing drainage channels leading to the main drainage channel through the site. These are the areas where you would most likely expect erosion do to the higher flow velocities in the smaller cross-sectional areas, and these are the areas where the Grading and Drainage Plans had proposed the placement of rip rap as part of the erosion control features.

At the eastern area, Site A, the significant erosion took place along the western side of the channel extending approximately 50 feet. Several channels were cut into the ground surface covering a triangular area approximately 10 feet wide at the top narrowing down to approximately 2 feet wide as the separate channels came together. The depths ranged from 6 inches to about 2 feet at the deepest point. This erosion took place at the proposed rip rap location. The installation of the proposed rip rap might have significantly reduced the erosion damage at this location. Attached photos, S4 and S5, show the erosion at Site A.

At the western area, Site B, the erosion was a single channel approximately 100 feet long, 6 to 12 inches deep, and approximately a foot wide. This channel started well below the footprint of the original tire locations, and appears to have cut into the wedge of fill placed in this area. In this case, the erosion took place downstream of the proposed rip rap location. The installation of the rip rap may not have significantly changed the erosion in this area. Attached photo, S6, shows erosion at Site B.

We were additionally requested to examine the landowner's contention that had he been permitted to leave substantially more layers of tires the site would not have been impacted to the same degree by the December 30-31, 2005 storm event. The thickness of the buried tire layer should have no impact on the erosion at the surface, as the surface erosion is related to slope and the compaction of the cover soils. If the slopes were restored to the grading plan contours and met the compaction required in the minimum 4-foot cover, the subsurface thickness of any layer of tires would have no effect on the surface erosion.

At Site A, the as-built grading has changed from the Grading Plan design. The finished grade in the central portion of the tire area is approximately 8 feet lower than the design grades. However, none of the final slopes are steeper than the design slopes, and these changes have reduced the slope directly over the bulk of the tire area. This would lead to lower velocity of the flow through the central portion of the tire area and potentially reduce the chance for erosion. The existing slope at the edge of the cover where the erosion was observed is similar to the design grading.

At site B, the as-built grades over the tire removal area are within 1 to 2 feet of the proposed grading plan, so the removal of any extra tires from this site had no impact.

As stated above, neither of the areas directly above the buried tires showed evidence of surface erosion and held up well.



As we have not reviewed the compaction testing performed during the course of fill placement, it is an open question as to whether there are any compaction issues with respect to the soils deposited in the fill area.

Beebe Family Ranch: At the Beebe Family Ranch, there was erosion mainly confined along the main channel through all three areas. In the North Tire area, a deep flow path had been cut through the surface rock blanket layer in the floor of the restored channel and into the soil layers below. The Middle and South areas had shallower flow paths cut into the surface of the channel. The rock check dams held up and are still in place. There was some soil slippage from the east bank in a few locations, but very localized. The east bank was not disturbed during the tire removal and did not receive any regrading during the restoration process. The west bank which had extensive regrading and restoration work done, held up well.

The attached photo, B3, shows the channel cut through the rock blanket layer in the North Pile area. Photo B4, shows the shallow channel cut through the Middle Tire area.

The appearance of smaller channels on the flat bottom of the restored stream similar to those in the Middle and South areas is not unexpected and would have most likely developed in time. The storm event speeded up the process. In the North Area, greater flow velocities were anticipated as indicated by the design and installation of the rock blanket layer. The depth of the cuts through that layer were more than you would expect based upon the erosion controls in place.

Valley Ford Briggs: At the Briggs site, the major erosion took place away from the main restoration area. The main channel was not impacted by the storm events. This channel had been regraded and rock check dams installed at intervals along the length. The only erosion damage along the main channel was at one section of the side slope of the main channel where surface flow from the adjacent pasture had cut down into the bank on the north side.

The majority of the erosion damage at the Briggs site was in the east tributary that enters the main channel at the east end of the restoration area. This ditch had only jute matting placed on the slopes and bottom and temporary hay bales placed at intervals along the ditch. During the storm, several areas had soil eroded out from underneath the matting, and hay bales pushed down stream, the bottom of the ditch had been cut down a foot or more in spots.

Photo VF1 shows the main channel after the storm event, Photo VF2 shows the east tributary erosion.

We did not go to the other tire removal location at the Briggs site during this visit, so can not address any erosion in that area.

Wilson Beebe: At the Wilson Beebe site, the restoration to the tire removal area on the east side of the property held up well. The rock in the channel and the two basin areas showed little effect from the storm. There was a small slide on the upper end of the upper basin that will need to be repaired. Photos, WB1 and WB2, show the west side drainage elements. Photo WB3 shows the upper basin on the east side.



The restoration work on the west side of the property had more impacts from the storm events. Again, the main channel and basin held up well. There was one location adjacent to the main channel that was damaged by the storm. The soil around a subdrain pipe feeding into the channel has been washed out, leaving a 2 foot wide cut that was up to 3 feet deep as it cut back into the bank. The jute matting covering the bank is suspended over this cut.

East of the main channel, two gullies where tires had been removed had been backfilled up to the surrounding grade. The surface soils showed signs of erosion with channels cut across the surface up to 6 inches deep. These areas could continue to erode if not addressed.

The attached photo WB4 shows the main west channel and WB5 shows the area adjacent to the west channel, above the west basin.

I hope the information in this letter addresses your needs. Please contact me at (925) 726-4115, if you have any further questions.

Sincerely,

Peter D. Loveridge, P.E.
Project Engineer
PDL/pdl

Silacci Legacy Tire Site



S1- Silacci Site A restoration grading completed.



S2 - Silacci Site A complete and hydroseeded. Area shown is slope dropping into outlet channel. Rip rap proposed at bottom of slope not installed.



S3 - Silacci Site B restoration grading completed and hydroseeded.



S4 - Silacci Site A after December 30-31, 2005 storm event. Erosion at downstream edge of tire pile area on slope dropping into outlet channel.



S5 - Silacci Site A after December 30-31, 2005 storm event looking downstream to outlet channel. Rip rap was proposed at the bottom of slope where channel narrows.



S6 - Silacci Site B erosion from December 30-31, 2005 storm event. Erosion downstream of tire removal area.

Beebe Family Ranch Tire Site



B1 - Beebe Ranch north tire pile area completed with rock.



B2 - Beebe Ranch middle tire pile area at final grade.



B3 - Beebe Ranch North tire area after December 30-31, 2005, storm event. Erosion 1-2 feet deep noted in channel bottom.



B4 - Beebe Ranch Middle tire area after December 30-31, 2005 storm event. Erosion ~ 1-foot deep in channel bottom.

Valley Ford Briggs Tire Site



VF1 - Valley Ford (Briggs) main drainage channel. Property owner indicated water flowed 10' deep in channel during December 30-31 storm event



VF2 - Valley Ford (Briggs) east tributary drainage erosion after the December 30-31, 2005 storm event

Wilson Beebe Tire Site



WB1 - Wilson Beebe West side after December 30-31, 2005, storm event.



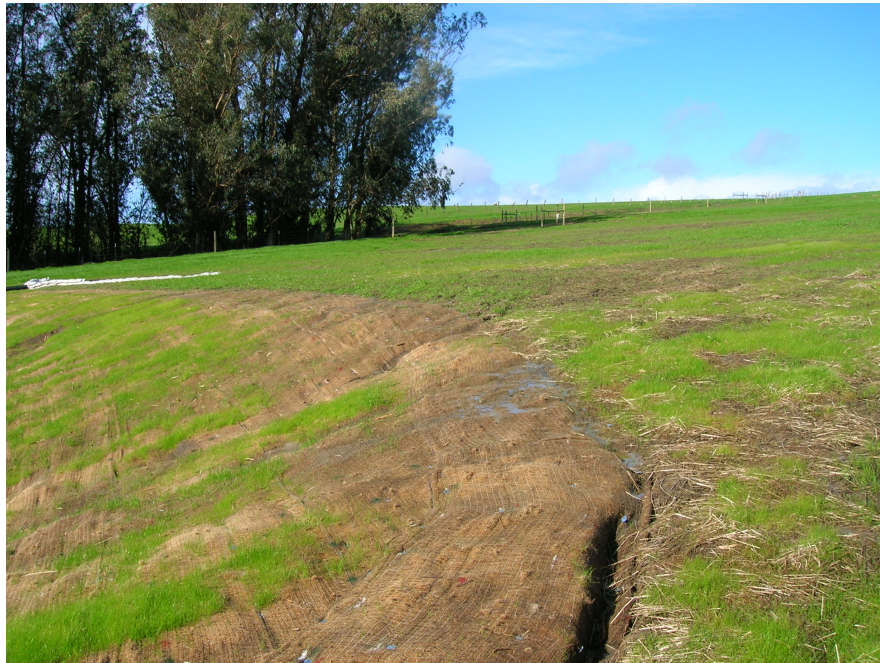
WB2 - Wilson Beebe West side after December 30-31, 2005, storm event.



WB3 - Wilson Beebe West side after December 30-31, 2005, storm event. Erosion above cut slope.



WB4 - Wilson Beebe east side rock lined drainage after December 30-31, 2005 storm.



WB5 - Wilson Beebe east side area showing change in slope and placement of erosion control blanket for slope protection. Picture taken after after December 30-31, 2005 storm.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING

MARCH 14, 2006

ADDENDUM TO AGENDA ITEM 11 (REVISED)

REPORT ON THE STATUS OF AND REQUEST FOR DIRECTION FOR THE REMEDiation OF THE SONOMA COUNTY WASTE TIRE SITES

After publication of this item Board staff was apprised of an additional issue with respect to the Universal Portfolio site, one of the remaining sites yet to be remediated.

Apparently this site is now asserting that it might be unable to proceed with a remediation this summer as anticipated, unless a substantial majority of the waste tires on site are left in place and buried. The site further asserts that deviating from the plans might require resubmission of the restoration plans to the Sonoma County Permit and Research Management Department ("PRMD") and the issuance of a new grading permit, potentially jeopardizing the site's ability to proceed with a remediation this summer.

As a preliminary matter, Board staff has contacted the PRMD on this matter, and confirmed that from a grading permit perspective, whether the fill material is primarily waste tires or soil is not a substantive issue, and that so long as there is not a substantial change to the general surface contour or slope, the use of primarily soil as fill as opposed to waste tires would not be considered a significant amendment. The PRMD further advised that the remediation may proceed under the existing grading permit, and that "as-built" plans or some other record showing the work as performed could be submitted after the project was completed. Thus there does not appear to be any impediment with respect to the grading permit in proceeding with a majority of fill material other than waste tires.

As to the issue of Universal Portfolio's intention to bury a majority of the tires, as reiterated in the item this issue has long been debated (going back to at least 2000) and the Board has consistently determined that, consistent with its statutory mandate, turning these sites into unpermitted tire disposal sites was unacceptable. (See section of item: "The Landowners have Renewed their Request that the Remaining Tires be Buried, yet the Two Scenarios which could Potentially Lead to Leaving the Tires in Place Have Both Already Been Deemed Unacceptable to the Landowners," pp. 11-7-10.)

Nevertheless, the issue of burying a majority of the tires resurfaced at the August 16, 2005 Board, at which the Silacchi and Universal Portfolio sites, among others, assured the Board that they could proceed with a 2005 remediation. During that meeting, the engineer for the Silacchi and Universal Portfolio sites advised of the intention to bury a majority of the waste tires at these sites:

“...there’s some question as to how many tires should be taken out in some of these sites.... And what we would like to make sure that the Board takes into account when they go out there and start **removing the... top layer of tires** that are loose, we would very much like your cooperation and consideration in leaving the tires that are buried and half buried.... (Emph. added).

This appeared to be the converse of what had been negotiated over recent years, namely that while a **bottom** layer of tires may be allowed to remain (see rationale below), the majority of waste tires would nevertheless need to be removed so that these sites – which are presently unpermitted waste tire **storage** sites – do not become unpermitted waste tire **disposal** sites: Thus Board staff immediately interjected at the August, 2005 Board meeting as follows:

“This issue has resurfaced... at two times during the course of this process. The first juncture was in the fall of 2003...in talking with Bill Hurley from the water Board. He had a concern... with respect to tires embedded into embankments that would have to be sort of ripped out of the embankment. Clearly, with the proper erosion control system put in place on top of those tires, [there] would be no potential for resurfacing.... And we made a commitment at that juncture with the Water Board that to the extent our engineering experts were going out there into the tire removal process... those tires would not be disturbed, those embankments would not be disturbed.

Secondarily to that, we have always acknowledged ... that arguably for tire piles located in the drainage courses of certain of the properties, the **bottom** layer of those tires are arguably currently providing erosion control. And that what we have... made very clear in February of this year is that... **working with their engineers and our engineers**, that **bottom** layer if it’s properly incorporated into a final erosion-control plan, with no potential for resurfacing, that that would be a potential[ly] acceptable solution. But it would have to be on a case-by-case basis and a property-by-property basis.” (Emph. added.)

The Board then asked the engineer for the Silacchi/Universal Portfolio sites: “Is that agreeable....,” and the engineer responded: “Yeah... we just wanted to make sure there wasn’t a miscommunication on that....”

Moreover, at the conclusion of the August, 2005 Board meeting Board staff conferred with the lead agency and the engineer for the Silacchi/Universal Portfolio sites to confirm that these projects could proceed with the understanding that only a bottom layer of tires would be permitted to remain, notwithstanding any plan reference to leaving more tires, and staff was assured that they could so proceed. Indeed, the Silacchi site was remediated last year – after the above clarifications were provided at the August Board meeting, with only a bottom layer of tires remaining, in accordance with the above. Based on the foregoing, there does not appear to be any impediment to the engineer’s other site – the Universal Portfolio site – from proceeding in accordance with this understanding as well.

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 12

ITEM

Consideration Of Award For Waste Tire Enforcement Grant To The California District Attorneys Association Circuit Prosecutor Project (Tire Recycling Management Fund, FY 2005/06)

I. ISSUE/PROBLEM STATEMENT

The California District Attorneys Association's (CDAA) Environmental Circuit Prosecutor Project (Project) is a unique program that provides staff and training to perform environmental enforcement in California's rural counties. Initiated in 1998, the program has helped to establish uniform, aggressive and consistent enforcement of environmental laws. The Project has prosecuted more than 1,600 environmental cases statewide, both civil and criminal. Attorneys for the project have successfully prosecuted a number of waste tire cases.

Because this background makes CDAA uniquely qualified to assist rural prosecutors with waste tire cases, the California Integrated Waste Management Board (Board) awarded a direct enforcement grant of \$325,000 to CDAA in June 2002. A subsequent grant of \$100,000 was awarded on May 11, 2004, and this grant term ends on April 30, 2006.

This Item requests that the Board award CDAA a grant of \$100,000 for purposes of prosecuting waste tire cases, and training waste tire inspectors and waste tire enforcement grantees.

II. ITEM HISTORY

The CDAA initiated the Project to address the unique character of environmental enforcement and bridge the gap between State and local enforcement efforts. Since 1998, the Circuit Prosecutor Program has provided training, support and experienced attorneys to District Attorneys, County Counsels and state agencies to enhance the effectiveness of environmental criminal and civil enforcement actions. Circuit prosecutors work in more than thirty rural counties and are deputized by the District Attorney of their assigned counties to handle environmental cases. Circuit Prosecutors share their prosecutorial experience with urban and rural jurisdictions alike at local and regional task forces, statewide symposia and workshops, as well as national conferences, and provide critical environmental enforcement training for lawyers, inspectors, investigators, law enforcement and technical experts.

The Project has become a valuable tool in establishing uniform, aggressive and consistent enforcement of California's environmental laws. Prior to the inception of the Project, many rural jurisdictions did not pursue cases involving water and air pollution, solid and hazardous waste disposal, including illegal tire dumps, and threats to natural resources because they lacked the resources and experience necessary to develop and prosecute environmental enforcement actions. The Project also promotes a level playing field for law-abiding businesses by making environmental violations costly, not profitable, for environmental law-breakers.

The Circuit Prosecutor Project's impact on environmental protection in California is immeasurable. The Project has become, as Attorney General Bill Lockyer stated, "an important part of California's environmental enforcement landscape." Since its inception, the Circuit Prosecutor Project has prosecuted approximately 1,600 cases statewide and has obtained more than \$36 million in fines, penalties, and costs both civil and criminal. Circuit prosecutors have also obtained significant jail time for egregious offenders.

Since the initial grant from the Board in 2002, the CDAA Project has investigated and prosecuted approximately 15 waste tire cases, including recent cases such as *People v. Peterson*, *People v. Ruth*, and *People v. STR Enterprises*.

In addition to the cases prosecuted by the Project, last year the Circuit Prosecutor Project, through Project Investigator John Pedersen, conducted a series of Tire Waste Trainings titled "Conducting Surveillance and Investigations for Illegal Tire Dumping." Training sessions were held October 26, 2005 in Fresno; November 8, 2005 in Sacramento; and November 17, 2005 in Diamond Bar. The training sessions were well received and provided insightful information on interviewing witnesses, documenting evidence, and report writing.

The Project is also active in working with various State agencies regarding the development, investigation and prosecution of environmental laws. Circuit Prosecutors' active involvement with task forces statewide keeps them on top of the regulatory and enforcement scheme in the various regions of the State, as well as in touch with the key players at the State and local level.

III. OPTIONS FOR THE BOARD

1. Approve the proposed award and adopt Resolution Number 2006-52; or
2. Disapprove the proposed award and Resolution Number 2006-52, and provide staff with input to present this Item for consideration by the Board at a future meeting.

IV. STAFF RECOMMENDATION

Staff recommends Board approval of Option 1 and adoption of Resolution Number 2006-52.

V. ANALYSIS

A. Key Issues and Findings

In 2000, the State adopted Senate Bill (SB) 876 (Escutia, Statutes of 2000, Chapter 838) to expand California's regulatory program relating to the management of waste and used tires. One of the mandates of SB 876 was the development of a five-year plan to implement its provisions (the Plan). One of the principal goals of the Plan is to increase enforcement of waste tire statutes and regulations. Failure to enforce, or inconsistent enforcement, creates an 'uneven playing field' for legitimate businesses. Specifically in regards to CDAA, the Plan states:

"The Board's legal office normally prosecutes administrative enforcement penalty actions to ensure uniformity of enforcement and to expedite processing. However, certain cases, such as multimedia cases, can be more effectively handled by local District Attorneys' offices. Unfortunately, some rural jurisdictions do not have the

resources to handle waste tire misdemeanor cases. In Fiscal Year 2001/02, the CIWMB established a two-year pilot program with the California District Attorney's Association (CDAA) to assist these jurisdictions. This pilot project proved successful. Therefore, the Board will continue to work with the CDAA to refer criminal and civil cases to local district attorneys. The CDAA will provide circuit prosecutor and investigator services to pursue criminal and civil actions."

The scope of CDAA enforcement actions would include rural counties; and where approved by staff prior to CDAA incurring costs, CDAA could prosecute actions in non-rural counties. The term of this new grant agreement would expire in April 2008.

B. Environmental Issues

CDAA will prosecute cases of illegal waste tire disposal, storage, and hauling, which may decrease the unlawful disposal of waste tires.

C. Program/Long Term Impacts

The CDAA Circuit Prosecutor Project, in conjunction with inspections and administrative actions, will assist with the consistent enforcement of waste tire storage and hauler laws.

D. Stakeholder Impacts

Many rural counties do not have the resources to prosecute environmental enforcement. This grant will provide assistance in prosecuting criminal and civil waste tire cases.

E. Fiscal Impacts

Funding Authority. Funds will be appropriated from the California Tire Recycling Management Fund.

Legislative. SB 876 (Escutia, Statutes of 200, Chapter 838) authorized a fee of \$1.00 on the purchase of a new tire until December 31, 2004. Assembly Bill (AB) 923 (Firebaugh, Statutes of 2004, Chapter 707) authorized a fee of \$1.75 per tire beginning January 1, 2005. One dollar of this fee (less up to 1.5 percent retained by the retail purchaser as reimbursement for any costs associated with the collection of the fee) is deposited into the California Tire Recycling Management Fund (the fund), to support programs approved in the *Five-Year Plan for the Waste Tire Recycling Program* (Five-Year Plan).

F. Legal Issues

Refer to Fiscal Impacts for legal authority to award this grant.

G. Environmental Justice

Waste tire facility standards, hauler registration, and manifest regulations enforced pursuant to this grant program are applied equally and uniformly to all parties throughout the State of California regardless of income, population density, race, or ethnic origin. Compliance with environmental justice principles is a grant program eligibility requirement and is a term and condition of the Grant Agreement.

H. 2001 Strategic Plan

Goal 4—Manage and mitigate the impacts of solid waste on public health and safety and the environment and promote integrated and consistent permitting, inspection, and enforcement efforts.

Objective 1: Through consistent and effective enforcement or other appropriate measures, ensure compliance with federal and State waste management laws and regulations.

- A. Develop a plan that defines an integrated approach to permitting, inspection, and enforcement that results in consistent application of all waste management standards and requirements.
- B. Strive for 100 percent compliance with State minimum standards at each waste tire and solid waste facility/operation in the state.
- C. Ensure effective communication with all affected stakeholders and partners (includes CIWMB, local enforcement agencies, and industry), and support the consistent implementation of the 2001 solid waste enforcement regulations and any subsequent regulations. Where the need for additional enforcement support or authority is identified, take appropriate actions to secure such support or authority.

Objective 4: Intensify efforts to prevent illegal dumping and, where necessary, clean up illegally disposed waste and waste tire sites.

- A. Use the Board's authority to ensure effective enforcement against parties responsible for illegal disposal and illegal waste tire sites.
- B. Direct Board resources and support local efforts to ensure the timely remediation and restoration of illegal disposal sites and illegal waste tire sites that pose the greatest threat to public health and safety and the environment.

VI. FUNDING INFORMATION

Staff requests the Board to extend the CDAA's funding for the Circuit Prosecutor Project and award a direct enforcement grant of one hundred thousand dollars (\$100,000). This represents an amount required for CDAA to provide services to rural counties within the identified problem areas for waste tire enforcement. This contribution of Circuit Prosecutor services would directly and indirectly increase enforcement and awareness of waste tire laws, helping to fulfill the requirements of SB 876 in those areas, and will help to meet the goals of the Five-Year Plan.

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Tire Recycling Fund	\$100,000	\$ 100,000	\$0	C&P

VII. ATTACHMENTS

- 1. Workplan
- 2. Resolution Number 2006-52

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- | | |
|---|------------------------------|
| A. Program Staff: Georgianne Turner | Phone: (916) 341-6429 |
| B. Legal Staff: Wendy Breckon | Phone: (916) 341-6068 |
| Holly B. Armstrong | Phone: (916) 341-6060 |
| C. Administration Staff: Roger Ikemoto | Phone: (916) 341-6116 |

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this Item was submitted for publication.

B. Opposition

Staff had not received any written opposition at the time this Item was submitted for publication.

EXHIBIT A – WORKPLAN

1. The California District Attorneys Association agrees to provide professional services to the California Integrated Waste Management Board as described below:

The purpose of this Agreement is to assist prosecutors in rural counties to investigate and prosecute civil and criminal violations of Public Resource Code Sections 42825, 42835, 42962 and other violations pertaining to the enforcement of laws and regulations requiring the storage and transportation of waste tires in rural counties, where the elected District Attorney has requested such assistance. In 2000, the State adopted Senate Bill (SB) 876 (Escutia, Statutes of 2000, Chapter 838) to expand California's regulatory program relating to the management of waste and used tires. One of the principal goals of SB 876 is to increase enforcement of waste tire statutes and regulations. There is an expanding need to provide enforcement training and resources for prosecutors, investigators and regulators in rural counties. Many rural district attorney offices do not have the resources or experience to pursue the enforcement of the provisions of the Public Resources Code applicable to waste tire management. This Agreement will provide funding for one new Circuit Prosecutor specialized in the prosecution of waste tire cases, prosecutorial services of seven Environmental Circuit Prosecutors and an Investigator assigned to waste tire cases. The California District Attorneys Association (CDAA) will employ these individuals.

2. Location and Procedures

The Waste Tire Environmental Circuit Prosecutor and Investigator will be assigned to the development of regional, multi-county task forces in a region of the State to be determined by geography and required task force activity. Within their task force areas, the Circuit Prosecutor and Investigator would be responsible for coordinating and providing the California Integrated Waste Management Board (CIWMB) enforcement seminars, lectures on special topics such as expert testimony and service of search warrants, and regular briefing and explanation of cases and developments in waste tire enforcement.

In addition, elected District Attorneys will, as appropriate, deputize the Waste Tire Environmental Circuit Prosecutor and Investigator to handle criminal and civil investigations and prosecutions within the respective participating counties. CDAA will employ the Circuit Prosecutor and Investigator, but participating District Attorneys Offices will provide administrative support.

3. The project representative during the term of this agreement will be:

State Agency: CIWMB
Name: Wendy Breckon
Phone #: (916) 341-6068
Fax #: (916) 319-7708

Contractor: CDAA
Name: Gale Filter
Phone #: (916) 443-2017
Fax #: (916) 443-0540

4. Detailed Description of Work to Be Performed and Duties of All Parties.

- a. CIWMB is one of the boards that make up the California Environmental Protection Agency (Cal/EPA). The mission of CIWMB is to protect the public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal.
- b. The CDAA is a private, nonprofit association of California's 58 elected District Attorneys and more than 2,000 Deputy District Attorneys. The Association is dedicated to the training and education of prosecutors, enhanced and more efficient law enforcement, and increased safety and welfare of the citizens of the state of California.

For the past four years, CDAA, Cal/EPA, the California Department of Fish and Game, and the United States Environmental Protection Agency have jointly pursued a program to establish environmental enforcement through the development and implementation of an Environmental Circuit Prosecutor Project.

The creation of the Waste Tire Circuit Prosecutor and Investigator positions in CDAA's Environmental Circuit Prosecutor Project will fill a significant gap in the enforcement of waste tire violations by providing experienced prosecutors and investigators to rural California counties.

The Circuit Prosecutors would be deputized by local District Attorneys as needed in counties which lack the resources to have a prosecutor experienced in public resource law as a full-time employee of the local District Attorney. The Circuit Prosecutors and Investigators would also be responsible for developing regional environmental/waste tire task forces. The Circuit Prosecutors will bill at an hourly rate of \$90/hour, and the Investigators will bill at an hourly rate of \$60/hour.

- c. A "rural county" for the purpose of this agreement, is a county of less than 400,000 persons, in which the Environmental Circuit Prosecutor Project is in operation and where there is no Deputy District Attorney or investigator experienced in Waste Tire law designated as a full-time employee to the prosecution of violations relating to the storage and transportation of waste tires
- d. The Employment of All Circuit Prosecutors and Investigators

The employment of all circuit prosecutors, investigators, and all other personnel utilized by CDAA, in accomplishing the Purpose of this Agreement shall be deemed to be employees of CDAA. The CIWMB shall have no obligations, responsibility of liability to or for said employees; nor shall CIWMB or any of its entities or personnel, exercise any control, direction or supervision over said employees of CDAA.

e. Local Control and Assistance by Elected District Attorney

No District Attorney shall be required to use any Circuit Prosecutor or Circuit Investigator. The Circuit Prosecutor and Investigator shall be employed and supervised by CDAA. Participating District Attorneys will provide administrative support, and will retain charging, filing, and settling authority within each county.

f. Duties of Circuit Prosecutor and Investigator

i. Duties of Circuit Investigator

The Circuit Investigator shall be authorized to investigate all civil and criminal violations of Public Resource Code Sections 42825, 42834, 42962 and other violations pertaining to the enforcement of laws and regulations requiring the storage and transportation of waste tires.

The Circuit Investigator shall cooperate with CIWMB in enforcement activities to ensure that reusable and waste tires are stored and transported safely. The Circuit Investigator shall seek to discover and provide evidence to the Circuit Prosecutor as to the potential civil and criminal culpability of employers and individuals for violations of Public Resource Code Sections 42825, 42834, 42962 and other violations pertaining to the enforcement of laws and regulations requiring the storage and transportation of waste tires.

ii. Duties of the Circuit Prosecutor

The Circuit Prosecutor shall review all investigatory reports and determine whether civil or criminal filings should be made for violations of Public Resource Code Sections 42825, 42834, 42962 and other violations pertaining to the enforcement of laws and regulations requiring the storage and transportation of waste tires.

In a case in which the Circuit Prosecutor acts on behalf of a District Attorney, the Circuit Prosecutor shall be responsible for providing timely notification of the disposition of such cases to the CIWMB as set forth hereafter. If criminal or civil charges are filed, a copy of the complaint accompanied by a cover letter shall be provided within seven (7) business days.

Upon completion of the civil or criminal investigation and prosecution, the Circuit Prosecutor shall, within seven (7) business days, provide written notification and forward copies of the plea documentation or other resolution, including terms and conditions of probation, if any.

In the event a determination is made not to take prosecutorial action, the Circuit Prosecutor shall provide written notification to the affect within seven (7) business days.

The Circuit Prosecutor shall be responsible for providing a comprehensive report listing each case under review on a quarterly basis to the CIWMB.

iii. Duties of CIWMB Compliance Personnel

The duties, powers and responsibilities of CIWMB compliance personnel are as set forth in the applicable sections of the Public Resource Code Title 14, California Code of Regulations.

CIWMB staff shall cooperate with the Circuit Prosecutor and Investigator. The CIWMB, to the extent possible, shall attempt to prevent depositions of its personnel to be taken in any case being investigated or prosecuted for criminal violations, until the criminal case has been completed.

h. Duration

The project will operate from May 1, 2006 through April 30, 2008. It is intended that this Agreement be of a continuous nature for this period so as to provide appropriate service and assistance to the Circuit Prosecutor Project.

In the event CDAA's Environmental Circuit Prosecutor Project should be terminated, CDAA shall have the right to terminate this Agreement upon ninety (90) days advance notice in writing to the CIWMB.

i. Conflict with Applicable Law

In the event that any portion of the Agreement is found to be in conflict with any state or federal law, regulation or policy, and therefore, of no effect, the portions of said Agreement, which are not in conflict shall remain in full force and effect. However, if the purpose of this Agreement is nullified by the provision(s) in conflict, the Agreement, at the option of either Party, may be terminated.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-52

Consideration Of Award For Waste Tire Enforcement Grant To The California District Attorneys Association Circuit Prosecutor Project (Tire Recycling Management Fund, FY 2005/06)

WHEREAS, Public Resources Code (PRC) Section 42872(a) authorizes the California Integrated Waste Management Board (Board) to award grants to entities that will reduce illegal disposal and stockpiling of whole waste tires; and

WHEREAS, PRC Section 42889 provides that funding for the waste tire program shall be appropriated to the Board in the annual Budget Act in a manner consistent with the *Five-Year Plan for the Waste Tire Recycling Management Program* (Five-Year Plan) adopted and updated by the Board; and

WHEREAS, PRC Section 42889(d) allows costs associated with the enforcement of waste tire regulations to be disbursed from the Tire Recycling Management Fund in a manner consistent with the Five-Year Plan; and

WHEREAS, the Five-Year Plan proposes that one hundred thousand dollars (\$100,000) be set aside for Fiscal Year (FY) 2005/06 to provide funding to continue the California District Attorney's Association Circuit Prosecutor Project (CPP) for waste tire storage and hauling issues; and

WHEREAS, the CPP has performed these duties for rural jurisdictions and will continue to do so on their behalf; and

WHEREAS, the Five-Year Plan provides that Board will develop specified delegation agreements to extend the Board's enforcement authority to local agencies and the CPP is in a unique position to help the Board meet this goal in rural counties.

NOW, THEREFORE, BE IT RESOLVED that Board awards the California District Attorneys Association a Waste Tire Enforcement Grant for FY 2005/06 in the amount of one hundred thousand dollars (\$100,000) to provide services as described in the attached Workplan.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 13

ITEM

Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area Of San Diego County

I. ISSUE/PROBLEM STATEMENT

The unincorporated area of San Diego County (County) has amended its NDFE by identifying and describing nine additional existing or new facilities and by removing four sites that are no longer operational in the County. This is the second amendment to the County's originally approved NDFE.

II. ITEM HISTORY

The Board previously approved the County's NDFE on September 28, 1995 and an amendment to the County's NDFE on May 13, 2003.

III. OPTIONS FOR THE BOARD

The Board may:

1. Approve the County's amended NDFE.
2. Disapprove the County's amended NDFE.

IV. STAFF RECOMMENDATION

Board staff recommends the Board adopt option 1: approve the County's amended NDFE.

V. ANALYSIS

A. Key Issues and Findings

1. Background

The County has amended its NDFE by adding nine nondisposal facilities, as noted below.

- a. Facility type/location: The Enniss Enterprises Materials Diversion facility is an organic processing facility that composts greenwaste and horse manure. The facility is located in the Unincorporated San Diego County at 12421 Vigilante Road in the town of Lakeside.

Facility capacity: The facility's historic average is 40 tons per day.

Anticipated diversion rate: The facility has a diversion rate of approximately 95%.

Participating jurisdictions: The facility serves all of the jurisdictions within San Diego County

- b. Facility type/location: The Greenspot Recycling facility is an organic processing facility. The facility is located in the Unincorporated San Diego County at 1400 Rice Canyon Road, in the town of Rainbow.

Facility capacity: The facility must have less than 500 cubic yards on site at all times.

Anticipated diversion rate: The facility has an anticipated diversion rate of approximately 90%.

Participating jurisdictions: The facility serves the communities of Rainbow, De Luz, and Fallbrook in the Unincorporated San Diego County.

- c. Facility type/location: The Inland Pacific Resource Recovery – Highway 67 Yard is an organic processing facility that will compost mainly curbside collected green materials. The facility is located in the Unincorporated San Diego County 12243 Highway 67 in the town of Lakeside.

Facility capacity: The total estimated site capacity is 11,000 cubic yards. The facility anticipates a daily volume of between 200 and 450 cubic yards.

Anticipated diversion rate: The facility has an anticipated diversion rate of approximately 90%.

Participating jurisdictions: The facility serves the Unincorporated San Diego County and the cities of San Diego and El Cajon.

- d. Facility type/location: San Luis Rey Downs Thoroughbred Training facility is an organic processing facility that will composts stable bedding consisting of straw, wood shavings, and horse manure. The facility intends to only compost materials generated at the facility. The facility is located in the Unincorporated San Diego County at 5772 Camino Del Rey in the town of Bonsall.

Facility capacity: The facility has an estimated peak capacity of 90 cubic yards per day and an estimated average of 60 to 70 cubic yards per day.

Anticipated diversion rate: The facility has an anticipated diversion rate of greater than 90 percent.

Participating jurisdictions: The facility will only serve the Unincorporated San Diego County.

- e. Facility type/location: The EDCO Construction/Demolition Debris Recycling facility is a Construction and Demolition debris processing facility that processes source separated C&D materials. The facility is located in the City of San Marcos at 224 S. Las Posas Road.

Facility capacity: The permitted daily maximum capacity for the facility is 174 tons per day.

Anticipated diversion rate: Not specified in the NDFE

Participating jurisdictions: Not specified in the NDFE

- f. Facility type/location: The Iron Horse facility is a Construction and Demolition debris processing facility. The facility is located in the Unincorporated County at 15385 Old Highway 80.

Facility capacity: The facility's estimated total on-site capacity is estimated at 15,000 tons. The daily volume is not to exceed 1,500 tons and the anticipated annual volume is estimated at 100,000 tons

Anticipated diversion rate: The facility's anticipated diversion rate is greater than 99%.

Participating jurisdictions: The facility serves the Unincorporated San Diego County.

- g. Facility type/location: The Moody's Construction facility is a Construction and Demolition debris processing facility. The facility is located in the City of Oceanside at 3210 Oceanside Blvd. The facility does not need a Solid Waste Facility Permit.

Facility capacity: Not specified in the NDFE

Anticipated diversion rate: Not specified in the NDFE

Participating jurisdictions: Not specified in the NDFE

- h. Facility type/location: The SANCO at Lemon Grove facility is a mixed Construction and Demolition debris processing facility. The facility is located at 6750 Federal Boulevard in the City of Lemon Grove.

Facility capacity: The facility is designed to process 1,000 tons per day.

Anticipated diversion rate: The facility has a diversion rate of approximately 95%.

Participating jurisdictions: The facility will serve jurisdictions in south and east San Diego County including the cities of Imperial Beach, Chula Vista, Lemon Grove, La Mesa, and portions of the City of San Diego and the Unincorporated San Diego County.

- i. Facility type/location: The Romero Recycling Yard is a Construction and Demolition debris processing facility. The facility is located at 8354 Nelson Way in the Unincorporated County

Facility capacity: The facility's estimated maximum daily capacity is 20,000 tons, with an average daily volume not to exceed 1,500 tons, and an anticipated annual capacity of 250,000 tons.

Anticipated diversion rate: The facility's anticipated diversion rate is greater than 95%.

Participating jurisdictions: The facility serves the Unincorporated San Diego County.

The County has amended its NDFE by removing four nondisposal facilities that are no longer operational: Inert Materials Recycling; Lakeside Land Company; Asphalt, Inc.; and California Clean Green, Inc.

2. Findings

The County has adequately addressed all requirements for amending a NDFE by submitting the information noted below:

San Diego County	yes	no
Local Task Force comments	X	
3-day public notice	X	
Resolution adopting amendment	X	
Amendment includes required information for facility type	X	

B. Environmental Issues

Staff is not aware of any environmental issues related to the amended NDFE.

Specific environmental issues would be addressed during the permitting process of the facilities, and thus would be discussed in any associated items presented to the Board from the Permits Division.

C. Program/Long Term Impacts

Staff does not anticipate any program or long term impacts as a result of this item.

D. Stakeholder Impacts

Approving the County's amended NDFE will facilitate any future conformance findings made by the Board as part of the permitting process, as the facilities will then be identified in the NDFE, as required.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

This item represents the process for implementing PRC Section 41800 that describes the Board's approval process of a jurisdiction's planning elements, including the NDFE.

G. Environmental Justice

<i>2002 Census Data – Demographics for San Diego County (unincorporated area)</i>						
% White	% Hispanic	% Black	%Native American	%Asian	%Pacific Islander	%Other
68.8	19.6	4.3	1.3	2.9	0.3	0.2

2002 Census Data – Economic Data for San Diego County (unincorporated area)		
Median annual income*	Mean (average) income*	% individuals below poverty level
47,067	63,204	12.4

* Per household

- **Environmental Justice Issues.** According to the county representative, there are no environmental justice issues in this community related to this item.
- **Efforts at Environmental Justice Outreach.** All of the County's guides, promotions, and mailings are bilingual. Special collection events are all promoted through bilingual sources. The County's waste and diversion facilities are spread throughout the County providing communities throughout the County with recycling and diversion opportunities.

- **Project Benefits.**

Updating the County's NDFE to include descriptions of new or modified nondisposal facilities will allow County residents, and the County, to have a more complete picture of the nondisposal facilities the County will be using to achieve and maintain its diversion requirements.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy (D) (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed) by approving the County's locally adopted amended NDFE.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Resolution Number 2006-12

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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B. Legal Staff: Elliot Block

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C. Administration Staff: Janee Thomas

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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

County of San Diego

B. Opposition

Staff had not received any written opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-12

Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area Of San Diego County

WHEREAS, Public Resources Code (PRC) Sections 40900 et seq., describe the requirements to be met by Cities and Counties when developing and implementing integrated waste management plans; and

WHEREAS, PRC Sections 41730 et seq. require that each City and County prepare and adopt a Nondisposal Facility Element (NDFE) which includes a description of existing and new solid waste facilities, and the expansion of existing solid waste facilities, which will be needed to implement a jurisdiction's Source Reduction and Recycling Element (SRRE), to enable it to meet the requirements of PRC Section 41780; and

WHEREAS, the unincorporated area of San Diego County (County) has amended its Board-approved NDFE to reflect the addition of the described facilities and the deletion of facilities no longer in operation and has submitted the amended NDFE to the Board; and

WHEREAS, based on review of the amended NDFE, Board staff found that all of the foregoing requirements have been satisfied and that the amended NDFE substantially complies with PRC Sections 41730, et seq., and recommends approval; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amended Nondisposal Facility Element for the County of San Diego.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 14

ITEM

Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Fresno

I. ISSUE/PROBLEM STATEMENT

The County of Fresno (County) completed the five-year review of its Countywide Integrated Waste Management Plan (CIWMP) required under Public Resources Code (PRC) Sections 41770 and 41822, and submitted its findings to the Board in a Five-Year CIWMP Review Report (Report). The County's Report concludes that a revision to the CIWMP was not necessary at the time of review. California Integrated Waste Management Board (Board) staff conducted a review of this report and concurs with the County that a revision is not necessary at this time.

II. ITEM HISTORY

No previous Board action has been taken on this item.

III. OPTIONS FOR THE BOARD

1. Approve the County's Five-Year CIWMP Review Report findings that a revision is not necessary.
2. Disapprove the County's Five-Year CIWMP Review Report findings and identify necessary revisions.

IV. STAFF RECOMMENDATION

Board staff recommends Option 1, Approve the County's Five-Year CIWMP Review Report findings that a revision is not necessary.

V. ANALYSIS

A. Key Issues and Findings

Board staff has 90 days to review this document and bring it before the Board for approval or disapproval. The Report was delivered to the Board on January 3, 2006; therefore the 90-day review deadline would be April 3, 2006.

1. Background

Existing law (PRC Section 41770) states that "each countywide or regional agency integrated waste management plan, and the elements thereof, shall be reviewed, revised, if necessary, and submitted to the Board every five years in accordance with the schedule

set forth under Chapter 7 (commencing with Section 41800).” The requirements of this review are further articulated in Title 14 of the California Code of Regulations (14 CCR), Section 18788, that is,

When preparing the CIWMP Review Report the county or regional agency shall address at least the following:

- “(A) changes in demographics in the county or regional agency;
- (B) changes in quantities of waste within the county or regional agency;
- (C) changes in funding sources for administration of the Siting Element and Summary Plan;
- (D) changes in administrative responsibilities;
- (E) programs that were scheduled to be implemented but were not, a statement as to why they were not implemented, the progress of programs that were implemented, a statement as to whether programs are meeting their goals, and if not what contingency measures are being enacted to ensure compliance with Public Resources Code section 41751;
- (F) changes in permitted disposal capacity, and quantities of waste disposed of in the county or regional agency;
- (G) changes in available markets for recyclable materials; and
- (H) changes in the implementation schedule.”

All of the above listed items were adequately addressed in the County’s Report. For additional information on these items, please see the County’s 5-Year CIWMP Review Report (Attachment 1).

2. Basis for staff’s analysis

Staff’s analysis is based upon the information below.

Fresno County is located near the center of California's San Joaquin Valley which, together with the Sacramento Valley to the north, forms the Great Central Valley, one of the distinct physical regions of the state. The Coast Range foothills, which form the County's western boundary, reach a height of over 4,000 feet near Coalinga while some peaks along the crest of the Sierra Nevada, the county's eastern boundary, exceed 14,000 feet. The Valley floor in between is fifty to sixty miles wide and has an elevation near the city of Fresno of about 325 feet. Rich soil, irrigation, and the hard work of farmers who came from all over the world combine to make Fresno County the richest and most productive agricultural county in America. In the year 2000, Fresno County growers grossed over 3.4 billion dollars from the production of more than 200 commercial crops. Downtown Los Angeles is 220 miles to the south and east; Monterey on the Pacific Coast is almost directly to the west, 160 miles by road, and San Francisco is 185 miles to the north and west. The southern entrance to Yosemite National Park is about 65 miles to the north, while the entrance to Sequoia and Kings Canyon National Parks is about 55 miles to the east. The City of Fresno is one of 15 incorporated cities in Fresno County, all located on the valley floor. Over 60 percent of the County’s total population resides in the neighboring cities of Fresno and Clovis.

Demographics: The County has experienced a 16 percent growth in population between 1990 and 2000, countywide. Population growth in individual jurisdictions has ranged

from 11 percent to 50 percent. On a countywide level, employment increased 15 percent from 1990 to 2000. The dollar value of taxable sales transactions increased 31 percent. Additionally, the 2000 percentages of single-family homes for the county and many of the individual jurisdictions have changed significantly since 1990, while multi-family and mobile homes have changed slightly since 1990.

The County and the Local Task Force (LTF) determined that the changing demographics do not prevent its jurisdictions from ultimately meeting the goals of AB939. Jurisdictions that have experienced large increases in specific demographics have responded with programs, technical assistance, and new generation studies. In each case, the appropriate documents have been updated (e.g., program implementation data were updated in Annual Reports). Also, the changing demographic profile for the County is accounted for through the adjustment methodology used to calculate each individual jurisdiction's diversion rate. As a result, the County and LTF report that these demographic changes do not necessitate a revision to the elements comprising the CIWMP. Upon review of the data in the County's report and each affected jurisdiction's Annual Report, staff agrees with the County and the LTF assessment.

Waste Disposal: Increases in waste disposal from 1995 to 2003 range from 672,264 tons to 945,228 tons, respectively. Each of the jurisdictions is making progress in implementing their SRRE and achieving the diversion requirements. Specifically, all jurisdictions save one have Board-approved 2001/2002 Biennial Reviews or Time Extensions. Although the Unincorporated area of Fresno County is on compliance, the County has been working with OLA staff to implement its compliance order. Additionally, as reported in the Unincorporated County's 2000 Annual Report, the two landfill sites operated by the County have no less than 35 years of remaining disposal capacity.

Although disposal tonnages vary from those originally projected in the SRRE, programs implemented by the jurisdictions are making progress in meeting and maintaining the diversion requirements and the county is maintaining 15 years of disposal capacity.

Funding Sources: The County offers regional diversion programs to all jurisdictions in the county. These programs are funded through surcharges collected through solid waste tipping fees at County-operated landfills.

Programs offered are:

- Household Hazardous Waste collection and recycling, including administration of Used Oil grant funds for all jurisdictions except the City of Fresno.
- Public education, including presentations, community events, print, media and electronic advertising and publications promoting recycling and waste reduction.
- School and educational programs.
- Coordination of region-wide programs with other agencies and organizations.
- Tracking and reporting of disposal data for the jurisdictions and landfills

- Operation of landfill disposal facilities and landfill gas recovery.
- Operation of a transfer station in the Shaver Lake area.

For individual local jurisdiction programs, they continue to be the responsible agency for AB 939 compliance and the implementation of their local solid and recycling programs. Although the County does offer regional diversion programs to all jurisdictions, AB 939 mandated diversion requirements are the responsibility of individual jurisdictions.

There have been no significant changes to the funding source for the Countywide Siting Element and Integration Summary Plan. Therefore, the County concludes that no related revisions to the countywide planning documents are warranted at this time. Board staff supports the County's findings.

Administrative Responsibilities: Fresno County has three entities responsible for solid waste management planning: the Fresno-Clovis Metropolitan Solid Waste Commission, the Southeast Regional Solid Waste Commission and the West County Solid Waste Planning Committee. The County administers the three regional entities as well as the Local Task Force. Administration of the CIWMP is a shared responsibility between the Resources Division of the County of Fresno Department of Public Works and Planning and the designated Local Enforcement Agency (LEA). The Resources Division is responsible for administration, implementation, budgeting, and public information, and the LEA is responsible for enforcement.

There have been no significant changes in administrative responsibilities for the Countywide Siting Element and Integration Summary Plan. Therefore, the County concludes that no related revisions to the countywide planning documents are warranted at this time. Board staff supports the County's findings.

Program Implementation: The Board receives updates on program implementation under cover of the Annual Reports, and stores those in an Annual Report data base. Reported information includes updates on programs not implemented (and the reason), alternative programs, planned programs, etc. Nearly all programs selected in the County's CIWMP have been implemented, as well as several alternative programs. Office of Local Assistance staff have visited the jurisdictions and verified program implementation. The goals and objectives the County included in the original CIWMP continue to form the basis of the County's program planning.

The County and the LTF determined that changes to the implementation schedule are sufficiently updated in the Annual Reports to the Board and do not necessitate a revision to any of the planning documents that comprise the CIWMP. Board staff concurs with this finding.

Disposal Capacity: Disposal capacity is provided by two disposal sites operated by the County, an active transfer station and processing facilities. The County reports they have an existing and planned disposal capacity for no less than 35 years. As a result, the County and LTF report that no related revisions are necessary to the Countywide Siting Element and Summary Plan at this time. Board staff concurs with the County's findings.

Markets For Recyclables: The County reports that markets for recovered materials have been available. A significant amount of material continues to be diverted through private recycling operations such as construction and demolition debris processors, metals recyclers and cull feeders. Though the market material quantity supply and demand and resulting market prices often fluctuate, outlets continue to be available.

The County determined that any such changes to markets do not warrant a revision to any of the planning documents. Upon review of the County's Report and the Annual Reports for the County, Board staff concurs with this determination.

Implementation Schedule: Although changes in the implementation schedules have occurred, jurisdictions have updated accordingly the status of program implementation in their respective Annual Reports. Because each jurisdiction in the County provides updates yearly in their annual report, and will report any implementation schedule changes, the County concludes that a revision to the implementation schedule is not necessary. Board staff concurs with the County's findings.

Other Changes: The following are other notable changes since the Board approved the CIWMP:

1. There have been Board approvals of a new base year for the Cities of: Coalinga, Kingsburg, San Joaquin, and Selma.
2. Fresno City amended its Nondisposal Facility Element in September 2005.
3. The County changed its recycling infrastructure for residential and commercial recycling collection in the unincorporated area by going from a free enterprise system to fourteen exclusive franchises for trash and recycling.
4. All the jurisdictions within the County formed a working group specifically designed to evaluate Countywide diversion programs, and determined the need to expand existing and/or implement new programs to address waste for diversion Countywide.
5. The County adopted and implemented a landfill ban on C&D waste at the County landfill.
6. The County expanded the County landfill by installing a state-of-the-art Materials Recovery Facility (MRF) on-site.

Annual Reports: Title 14, CCR Sections 18794.3 and 18794.4 require jurisdictions to address in their Annual Reports the adequacy of, or the need to revise, the Solid Waste Generation Study or any other component of the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element, and Nondisposal Facility Element, and for the county or regional agency to address the adequacy of, or the need to revise, the Countywide Siting Element or Summary Plan. PRC Section 41821 (d) provides that the Board shall use the Annual Report in its determination of whether a jurisdiction's SRRE needs to be revised. Additionally, Title 14, CCR Section 18794 states the Annual Report will serve as a basis for determining if any of the planning documents need to be revised to reflect new or changed local and regional solid waste management programs, facilities, and other conditions.

Upon review of the Annual Report data for the County regarding the adequacy of the planning documents, Board staff did not find information to support the need to revise any of the elements of the County's CIWMP.

The County's Report summarizes the review by stating: Most of the jurisdictions' SRREs, HHWEs, and NDFEs have been updated adequately through the Annual Reports and are not in need of revision. Much of the overall framework of the CIWMP is still applicable. Most of the goals, objectives, policies, and responsible administrative organizational units noted throughout the CIWMP are still accurately described.

3. Findings

The County and the LTF have determined that no revisions to the CIWMP are necessary at this time. Board staff conducted a review of the County's Report and the applicable Annual Reports, and concurs with the County's findings.

B. Environmental Issues

Based on available information, staff is not aware of any environmental issues related to this item.

C. Program/Long Term Impacts

Not applicable to this item.

D. Stakeholder Impacts

Not applicable to this item.

E. Fiscal Impacts

No fiscal impact to the Board results from this item.

F. Legal Issues

As discussed above, this item represents the process for reviewing and revising, if necessary, the CIWMP and the elements thereof, as required by PRC Section 41770. It also represents the process for the Board to review and either approve or disapprove the findings of the local countywide review.

G. Environmental Justice

<i>2000 Census Data – Demographics for County of Fresno</i>						
% White	% Hispanic	% Black	% Native American	% Asian	% Pacific Islander	% Other
39.7	44.0	5.0	0.8	7.9	0.1	0.2

2000 Census Data – Economic Data for County of Fresno		
Median annual income *	Mean (average) income*	% Individuals below poverty level
34,725	47,858	22.9

*Per Household

- **Environmental Justice Issues.** According to the jurisdictional representative, there are no environmental justice issues in this community related to this item.
- **Efforts at Environmental Justice Outreach.** To increase participation in the new/expanding programs, the City of Fresno disseminates brochures in English, Spanish, Hmong, Cambodian, Laotian and Vietnamese to residents and businesses on the availability of these new diversion programs. The City of Sanger uses brochures, newsletters, and give-aways to promote recycling to all residential and commercial sectors. They disseminate brochures in English and Spanish to residents and businesses. In the City of Huron, bilingual information is printed and distributed to community centers, senior citizen centers, and the utility office. The residents are also given assistance and education regarding their curbside program.

For the City of Mendota, the City's hauler distributes educational press releases on waste reduction to the local paper. The hauler also distributes educational material at community events. Printed bilingual material is provided to their City Hall for customer distribution, including separating materials for cleanup events and how-to information for the curbside program and the City's Christmas tree recycling program. The County provides most of the outreach for many of the small cities in the County and uses brochures, newsletters, and radio announcements to promote recycling in all residential and commercial sectors. The County prints many of its brochures in Spanish, which is the primary language amongst the non-English speaking population.

- **Project Benefits.** There is no project related to this item.

H. 2001 Strategic Plan

This item supports Strategic Plan goal 2, objective 3 (Support local jurisdictions' ability to reach and maintain California's waste diversion mandates), strategy D (Assess and assist local governments' efforts to implement programs and reduce disposal, taking corrective action as needed), by evaluating the County's assessment of the continued relevancy of its planning elements.

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Five-year CIWMP Review Report for Fresno County
2. Resolution Number 2006-27

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

1. County of Fresno

B. Opposition

No known opposition.

**CALIFORNIA INTEGRATED WASTED MANAGEMENT PLAN
FIVE-YEAR REVIEW REPORT

FOR

COUNTY OF FRESNO AND ITS CITIES**

Prepared by the
Resources Division, Department of Public Works and Planning, County of Fresno*

January 2006

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List of Exhibits

Exhibit A: Local Task Force Comments

Exhibit B: Annual Reports/PARIS (on enclosed CD)

Exhibit C: "Turning It Around: A Directory of Recyclers in Fresno County"

Exhibit D: Letter and CIWMP Five-Year Review Planning Document and
Request Form (Request Form)

Exhibit E: Comments (Completed Request Forms) Received from Jurisdictions

Section 1.0 Authorized Agent

I certify that the information in this document is true and correct to the best of my knowledge, and that I am authorized to complete this report and request approval of the CIWMP Five-Year Review Report on behalf of:

County or Regional Agency Name:		County:	
County of Fresno		Fresno	
Authorized Signature:		Title:	
		Solid Waste Coordinator	
Type/print name of person signing:		Date:	Phone:
Richard S. Gilbert			(559) 262-4259
Person completing this form (please print/ type):		Title:	Phone:
Leslie Kline		Recycling Coordinator	(559) 262-4259
Mailing address:	City:	State:	Zip:
2220 Tulare Street, 6 th Floor	Fresno	CA	93721
Email address:			
lkline@co.fresno.ca.us			

Section 2.0 Introduction

The California Integrated Waste Management Act of 1989 (Assembly Bill 939 or AB 939) requires cities and counties in California to reduce the amount of solid waste disposed in landfills by 25% by 1995 and by 50% by the year 2000 through source reduction, reuse and recycling activities. The Fresno County Countywide Integrated Waste Management Plan (CIWMP) is the guiding document for attaining these goals.

Public Resources Code (PRC) Section 41822 requires each city and county to review its Source Reduction and Recycling Element (SRRE) or the CIWMP at least once every five years to:

- (1) Correct any deficiencies in the element or plan;
- (2) Comply with the source reduction and recycling requirements established under PRC Section 41780; and
- (3) Revise the documents, as necessary.

California Code of Regulations (CCR) Section 18788 states that prior to the fifth anniversary of California Integrated Waste Management Board (Board) approval of the CIWMP, the Fresno County Integrated Waste Management Local Task Force (LTF) shall complete a review of the CIWMP to assure that the County of Fresno's (County) waste management practices remain consistent with the hierarchy of waste management practices defined in PRC Section 40051.

The hierarchy stated in PRC 40051 is:

- (1) Source reduction;
- (2) Recycling and composting; and
- (3) Environmentally safe transformation and environmentally safe land disposal.

The process identified in CCR 18788 is summarized as follow:

- Prior to the five-year anniversary, the LTF shall submit written comments, on areas of the CIWMP which require revision, to the County and to the Board;
- Within 45 days of receipt of the comments, the County shall determine if a revision of the CIWMP is necessary and notify the LTF and the Board of its findings in a CIWMP Review Report (Report); and
- Within 90 days of receipt of the Report, the Board shall review the County's findings and, at a public hearing, approve or disapprove the County's findings.

CCR 18788 also identifies the minimum topics which are to be addressed in the Report.

They are:

- A. Changes in demographics;
- B. Changes in quantities of the waste;
- C. Changes in funding sources for administration of the Countywide siting element and integration summary plan;
- D. Changes in administrative responsibilities;
- E. Program implementation status;
- F. Changes in permitted disposal capacity and quantities of waste disposed of;
- G. Changes in available markets for recyclable materials; and
- H. Changes in the implementation schedule.

The Board clarified the five-year CIWMP review process in CCR Section 18788. On October 30, 1998, and again on July 21, 2000, the Board's Office of Local Assistance sent letters to the jurisdictions clarifying the Board's oversight of the five-year revision process.

The July 21, 2000, letter cited above stated that the five-year anniversary is from the date of approval of the CIWMP by the Board. Furthermore, the letter stated that the Board's legal staff determined that jurisdictions can: 1) utilize their annual reports to update program information, if a revision of the CIWMP is not determined to be necessary; and 2) that if a revision is determined to be necessary, jurisdictions may submit the required revision with the next annual report.

Section 3.0 Background

The cities of Coalinga, Clovis, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger and Selma (Cities) and the County entered into a Memorandum of Understanding (MOU) in 1990 and again in 1993 to jointly prepare the required CIWMP documents. These documents include:

- SRRE's for each city and the county named above; and
- HHWE's for each city and the county named above.

Additionally, the following documents comprise the CIWMP:

- The Multi-jurisdictional Non-Disposal Facility Element (NDFE) for each city and the county named above;
- The Countywide Siting Element (CSE); and
- The Integration Summary Plan (ISP).

The purpose of this review is twofold:

- (1) To document the compliance of PRC 41822 and CCR 18788 by the County and the Cities; and
- (2) To solicit a review, recommendations and support for the course of action identified by the County's LTF to achieve increased levels of waste diversion.

This is the first Report since Board approval of the CIWMP in 1997.

In October 2002, the Board issued a compliance order to the County for failing to implement a sufficient number of programs to meet the waste diversion mandates of AB 939. Through a Local Assistance Plan developed by the Board and the County, the County has and continues to implement programs that fulfill the requirements of the compliance order. Seven of the cities have an alternative diversion requirement or time extension. Table 1 (below) details which jurisdictions have an alternative diversion requirement and/or time extension.

Table 1: Diversion Status

Jurisdiction	Type of Alternative Diversion Requirement	Diversion Requirement (%)	Goal/Extension Date
Firebaugh	Time Extension		11/1/02 to 12/31/04
Fresno	Time Extension		8/1/02 to 7/1/04
Huron	Alternative Diversion Requirement	27%	11/1/02 to 12/31/04
Kerman	Alternative Diversion Requirement	41%	2/1/02 to 6/30/04
Mendota	Alternative Diversion Requirement	44%	2/1/03 to 6/30/04
San Joaquin	Alternative Diversion Requirement	33%	3/1/03 to 12/31/02
Selma	Alternative Diversion Requirement	40%	10/1/02 to 12/31/03

Source: California Integrated Waste Management Board; Statewide Jurisdiction Diversion Progress Report

Section 4.0 LTF Review

The LTF includes the following members (Table 2):

Table 2: LTF Members

Name	Representative Of (e.g., City or County)
Donna Pressey	City of Coalinga
Lynne Ashbeck, Mayor	City of Clovis
Keith Hester	BFI Waste Systems
James O. Petty, Jr.	Riverdale, Member at Large
Terry Perkins	Firebaugh Disposal
Amarpreet Dhaliwal	City of San Joaquin
Tito Balling	Coalinga, Member at Large
Chris Bach	Fresno, Member at Large
Gregorio Barboza	Fresno, Board of Supervisors' Appointee
Joe Sallee	Clovis, Member at Large
Phil Larson	Fresno County Board of Supervisors
Ken Moore, Mayor	City of Kerman

In accordance with Title 14 CCR, Section 18788, the LTF reviewed each element and plan included in the CIWMP and finalized its comments at the January 12, 2006, LTF meeting. The LTF had no comments on the CIWMP other than to conclude that no revision was

necessary. The LTF took action to approve the draft Report as presented. The County received these comments on January 12, 2006, included as Exhibit A, beginning the 45-day period for submitting the Report to the CIWMB and the LTF.

Section 5.0 Sections 18788(3) (A) through (H) Topics

The subsections below address not only the areas of change specified in the regulation, but also provide specific analysis regarding the continued adequacy of the planning documents in light of those changes, including a determination as to whether each necessitates a revision to one or more of the planning documents.

The existing and selected programs for each component were reviewed. Nearly all programs or Board-approved alternative programs have been implemented. The annual reports and the Planning Annual Report Information System (PARIS) for the County and each City are up-to-date. Although there have been some modifications in program implementation, schedules, costs and results, the modifications are minor in scope.

All data listed in the tables below, except demographic data, were obtained through the Board's website and each jurisdiction's annual reports. Demographic data were obtained through the California Department of Finance's website.

Section 5.1 Changes in Demographics

Tables 3 through 10 (below) depict demographic changes in the County and the Cities from 1990 through 2003. All areas of the County and all of the Cities have experienced some growth, which has resulted in increased waste generation. These fluctuations in population are considered when planning for solid waste disposal programs and facilities. Population increases are also associated with increases in revenues and program-related economies of scale. These factors help offset increases in costs and, in some instances, help create options for collection and/or disposal that have not been available to Fresno County in the past. The demographic changes described below do not warrant a revision to any of the countywide planning documents.

Table 3: Sources of Generation

JURISDICTION	RESIDENTIAL PERCENTAGE		NON-RESIDENTIAL PERCENTAGE	
	OLD	NEW	OLD	NEW
City of Clovis	37%	37%	63%	63%
City of Coalinga	37%	37%	63%	63%
City of Firebaugh	37%	37%	63%	63%
City of Fowler	37%	37%	63%	63%
City of Fresno	37%	37%	63%	63%
City of Huron	37%	37%	63%	63%
City of Kerman	37%	37%	63%	63%
City of Kingsburg	44%	30%	56%	70%
City of Mendota	37%	37%	63%	63%
City of Orange Cove	56%	56%	44%	44%

Table 3: Sources of Generation

JURISDICTION	RESIDENTIAL PERCENTAGE		NON-RESIDENTIAL PERCENTAGE	
City of Parlier	37%	37%	63%	63%
City of Reedley	37%	37%	63%	63%
City of San Joaquin	37%	41%	63%	59%
City of Sanger	37%	37%	63%	63%
City of Selma	37%	28%	63%	72%
Unincorporated Area	37%	37%	63%	63%

Source: E-Mail from Terri Edward, CIWMB, OLA, May 2005

Bolded=City adopted a new base year

The residential/non-residential generation percentages have not changed significantly since the preparation of the planning documents.

Table 4: Population

Population For Each Jurisdiction	1990	2000	% Change
City of Clovis	50,323	68,200	26%
City of Coalinga	8,212	16,250	50%
City of Firebaugh	4,429	5,575	21%
City of Fowler	3,394	3,980	15%
City of Fresno	354,091	426,900	17%
City of Huron	4,766	6,275	24%
City of Kerman	5,448	8,500	36%
City of Kingsburg	7,245	9,000	20%
City of Mendota	6,821	7,875	13%
City of Orange Cove	5,604	7,750	28%
City of Parlier	7,938	11,100	28%
City of Reedley	15,791	20,750	24%
City of San Joaquin	2,311	3,250	29%
City of Sanger	16,839	18,900	11%
City of Selma	14,757	19,350	24%
Unincorporated Population	159,521	164,400	30%
Countywide Population	667,490	797,900	16%

Table 5: Employment

Employment Factor For County**	1990	2,000	% Change
Countywide Employment	566,300	668,500	18%

**Combined Labor Force and Industry Employment

Table 6: Taxable Sales

Jurisdiction	1990	2000	% Change
City of Clovis	448,565	930,608	52%
City of Coalinga	50,739	67,814	25%
City of Firebaugh	42,844	43,460	1%
City of Fowler	28,898	46,995	39%

Table 6: Taxable Sales

Jurisdiction	1990	2000	% Change
City of Fresno	3,507,252	4,857,211	28%
City of Huron	10,602	12,264	14%
City of Kerman	43,992	76,469	42%
City of Kingsburg	33,609	56,157	40%
City of Mendota	29,058	30,661	5%
City of Orange Cove	10,241	11,468	11%
City of Parlier	9,785	17,840	45%
City of Reedley	105,072	119,437	12%
City of San Joaquin	12,818	14,616	12%
City of Sanger	117,448	156,942	25%
City of Selma	152,329	337,422	55%
Unincorporated Area	618,027	839,860	26%
Totals	5,239,376	7,601,127	31%

Table 7: Housing Units

Jurisdiction	1990 Single Family Dwellings	2000 Single Family Dwellings	% Change	1990 Multi- Family Dwellings	2000 Multi- Family Dwellings	% Change	1990 Mobile Homes	2000 Mobile Homes	% Change
Clovis	11,327	16,721	32%	6,682	7,591	12%	879	879	0%
Coalinga	2,137	2,606	18%	876	921	5%	210	212	.01%
Firebaugh	828	1,166	29%	319	385	17%	96	97	.01%
Fowler	794	932	15%	305	313	3%	57	57	0%
Fresno	75,503	91,414	17%	50,146	54,079	7%	3,710	3,710	0%
Huron	507	706	28%	341	432	21%	114	122	.07%
Kerman	1,108	1,674	34%	547	669	18%	93	93	0%
Kingsburg	1,855	2,493	26%	639	695	8%	103	162	36%
Mendota	1,113	1,205	8%	587	716	18%	58	58	0%
Orange Cove	1,042	1,237	16%	271	574	53%	3	5	40%
Parlier	1,315	1,792	27%	484	724	33%	19	22	.14%
Reedley	3,274	4,212	22%	1,309	1,530	14%	180	181	.01%
Sanger	3,598	3,963	9%	1,197	1,338	11%	135	135	0%
San Joaquin	348	510	32%	145	203	29%	53	53	0%
Selma	3,191	4,092	22%	1,168	1,265	8%	337	365	.08%
Unincorp.	46,339	49,658	7%	3,590	3,649	2%	6,631	7,545	12%
Totals	136,600	184,381	26%	68,606	75,084	9%	12,678	13,696	7%

Source: California State Department of Finance Official State Estimates

These demographic changes do not warrant a revision to any of the countywide planning documents. The increases have been taken into account when planning for solid waste disposal and programs.

Section 5.2 Changes in Quantities of Waste Disposed

The following table (Table 8) provides disposal data from the Solid Waste Generation Study (1990) and each jurisdiction's Annual Reports (1995 through 2003).

Table 8: Disposal Data (1990 through 2003)

Year	1990***	1995	1996	1997	1998	1999	2000	2001	2002	2003
Clovis	63,716	37,333	42,139	41,086	44,281	45,111	47,594	48,851	52,482	63,745
Coalinga	7,049	9,249	8,193	9,299	9,085	8,362	9,058	10,555	9,093	11,339
Firebaugh	3,802	4,555	5,194	5,159	5,276	4,618	5,920	5,387	4,301	5,613
Fowler	2,754	3,210	3,205	2,931	3,202	3,038	2,980	3,532	4,409	5,257
Fresno	475,177	410,829	420,587	411,994	441,423	454,102	445,038	417,934	434,594	541,548
Huron	4,091	2,180	3,452	3,399	4,071	4,088	4,976	1,859	3,835	3,407
Kerman	4,676	7,154	7,837	8,056	9,877	9,821	9,055	9,017	8,473	9,827
Kingsburg	6,185	4,394	5,656	7,109	8,326	8,187	6,720	6,167	6,833	8,957
Mendota	5,855	4,911	5,232	5,153	6,059	5,215	5,303	5,592	5,631	7,016
Orange Cove	4,810	3,168	3,380	3,695	3,091	3,517	4,009	4,653	4,854	4,993
Parlier	6,814	5,562	5,232	5,038	5,541	5,641	4,588	7,013	6,559	7,370
Reedley	13,555	11,084	11,349	12,835	13,661	13,625	13,616	17,170	14,554	16,103
San Joaquin	1,984	1,836	1,578	2,178	1,929	2,573	2,701	1,953	2,445	963
Sanger	14,454	9,447	10,132	9,746	9,727	10,051	9,935	8,479	9,704	13,504
Selma	12,667	14,415	13,218	14,202	14,197	14,777	15,334	14,581	16,405	18,844
Unincorporated	137,027	142,937	141,336	144,013	148,850	153,238	177,157	170,401	189,128	226,742
Total County	746,616	672,264	687,720	685,893	728,596	745,964	763,984	733,144	773,300	945,228

***Sources: Board-Approved 1990 Solid Waste Generation Study for Fresno County and Cities; Single-year Countywide Origin Detail, CIWMB:

A comparison of SRRE-projected disposal tonnage to the 2000 disposal tonnage reported for each jurisdiction is found in Table 9 (below):

Table 9: Comparison of SRRE Projected Disposal (2000) with Reported Disposal (2000)

Jurisdiction	SRRE 2000Projected	Disposal 2000Reported	% Difference
City of Clovis	44,946	47,594	6%
City of Coalinga	4,511	9,058	50%
City of Firebaugh	2,417	5,920	59%
City of Fowler	1,695	2,980	43%
City of Fresno	327,081	445,038	27%
City of Huron	3,199	4,976	36%
City of Kerman	3,277	9,055	64%
City of Kingsburg	4,697	6,720	30%
City of Mendota	4,027	5,303	24%
City of Orange Cove	3,232	4,009	19%
City of Parlier	4,488	4,588	2%
City of Reedley	9,086	13,616	33%
City of San Joaquin	1,283	2,701	52%
City of Sanger	9,655	9,935	3%
City of Selma	7,934	15,334	48%
Unincorporated County	75,582	177,157	57%
Countywide	507,110	763,984	34%

Sources: Board-approved 1990 Solid Waste Generation Study for Fresno County and Cities; CIWMB's Single-year Jurisdiction Disposal and Alternative Daily Cover Tons by Facility Report.

The Biennial Review findings are listed in Table 10 (below) to demonstrate each jurisdiction's progress in implementing its SRRE and achieving the mandated diversion requirement.

Table 10: Biennial Review Findings (1995 to 2003)****

Jurisdiction	Year	Diversion Rate	Biennial Review Status	Time Extensions/ Alternative Diversion Rates/ Compliance Orders
Clovis	1995	57%	Board Approved	
	1996	58%	Board Approved	
	1997	59%	Board Approved	
	1998	56%	Board Approved	
	1999	58%	Board Approved	
	2000	57%	Board Approved	
	2001	56%	Board Approved	
	2002	54%	Board Approved	
	2003	45%	Board Approved	Biennial Review Not Complete
Coalinga	1995	No Rate	Board Approved	
	1996	No Rate	Board Approved	
	1997	33%	Board Approved	
	1998	34%	Board Approved	
	1999	58%	Board Approved	
	2000	53%	Board Approved	
	2001	45%	Board Approved	
	2002	54%	Board Approved	
	2003	44%	Board Approved	Biennial Review Not Complete

Table 10: Biennial Review Findings (1995 to 2003)****

Jurisdiction	Year	Diversion Rate	Biennial Review Status	Time Extensions/ Alternative Diversion Rates/ Compliance Orders
Firebaugh	1995	No Rate	Board Approved	
	1996	No Rate	Board Approved	
	1997	45%	Board Approved	
	1998	44%	Board Approved	
	1999	53%	Board Approved	
	2000	42%	Board Approved	
	2001	47%	Board Approved	
	2002	58%	Board Approved	Time Ext. 11/1/02-12/31/04
	2003	47%	Board Approved	
Fowler	1995	82%	Board Approved	
	1996	83%	Board Approved	
	1997	84%	Board Approved	
	1998	83%	Board Approved	
	1999	84%	Board Approved	
	2000	85%	Board Approved	
	2001	82%	Board Approved	
	2002	79%	Board Approved	
	2003	14%	Board Approved	Biennial Review Not Complete
Fresno	1995	25%	Board Approved	
	1996	24%	Board Approved	
	1997	No Rate	Board Approved	
	1998	No Rate	Board Approved	
	1999	22%	Board Approved	
	2000	27%	Board Approved	
	2001	31%	Board Approved	
	2002	29%	Board Approved	Time Ext. 8/1/02-7/1/04
	2003	14%	Board Approved	

Table 10: Biennial Review Findings (1995 to 2003)****

Jurisdiction	Year	Diversion Rate	Biennial Review Status	Time Extensions/ Alternative Diversion Rates/ Compliance Orders
Fresno-Unincorporated	1995	38%	Board Approved	
	1996	40%	Board Approved	
	1997	40%	Board Approved	
	1998	37%	Board Approved	
	1999	No Rate	Board Approved	
	2000	Compliance Active	Board Approved	
	2001	33%	Board Approved	
	2002	27%	Board Approved	Compliance Order
	2003	No Rate	Board Approved	
Huron	1995	52%	Board Approved	
	1996	27%	Board Approved	
	1997	26%	Board Approved	
	1998	12%	Board Approved	
	1999	14%	Board Approved	
	2000	1%	Board Approved	Alternative Diversion Rate: 27%
	2001	63%	Board Approved	11/1/02-12/31-04
	2002	25%	Board Approved	
	2003	36%		
Kerman	1995	No Rate	Board Approved	
	1996	No Rate	Board Approved	
	1997	28%	Board Approved	
	1998	No Rate	Board Approved	
	1999	24%	Board Approved	Alternative Diversion Rate: 41%
	2000	29%	Board Approved	2/1/03-6/30/04
	2001	26%	Board Approved	
	2002	33%	Board Approved	
	2003	24%		

Table 10: Biennial Review Findings (1995 to 2003)****

Jurisdiction	Year	Diversion Rate	Biennial Review Status	Time Extensions/ Alternative Diversion Rates/ Compliance Orders
Kingsburg	1995	46%	Board Approved	
	1996	34%	Board Approved	
	1997	17%	Board Approved	
	1998	28%	Board Approved	
	1999	52%	Board Approved	
	2000	72%	Board Approved	
	2001	75%	Board Approved	
	2002	72%	Board Approved	
	2003	52%		Biennial Review Not Complete
Mendota	1995	25%	Board Approved	
	1996	22%	Board Approved	
	1997	24%	Board Approved	
	1998	21%	Board Approved	
	1999	26%	Board Approved	
	2000	38%	Board Approved	Alt. Diversion Rate-44%
	2001	23%	Board Approved	2/1/03-6/30/04
	2002	24%	Board Approved	
	2003	8%		
Orange Cove	1995	88%	Board Approved	
	1996	88%	Board Approved	
	1997	87%	Board Approved	
	1998	89%	Board Approved	
	1999	88%	Board Approved	
	2000	87%	Board Approved	
	2001	85%	Board Approved	
	2002	85%	Board Approved	
	2003	85%		Biennial Review Not Complete
Parlier	1995	66%	Board Approved	
	1996	69%	Board Approved	
	1997	71%	Board Approved	
	1998	69%	Board Approved	
	1999	71%	Board Approved	
	2000	77%	Board Approved	
	2001	64%	Board Approved	
	2002	67%	Board Approved	
	2003	64%		Biennial Review Not Complete

Table 10: Biennial Review Findings (1995 to 2003)****

Jurisdiction	Year	Diversion Rate	Biennial Review Status	Time Extensions/ Alternative Diversion Rates/ Compliance Orders
Reedley	1995	27%	Board Approved	
	1996	28%	Board Approved	
	1997	66%	Board Approved	
	1998	64%	Board Approved	
	1999	65%	Board Approved	
	2000	67%	Board Approved	
	2001	58%	Board Approved	
	2002	65%	Board Approved	
	2003	62%		Biennial Review Not Complete
San Joaquin	1995	22%	Board Approved	
	1996	31%	Board Approved	
	1997	9%	Board Approved	
	1998	20%	Board Approved	
	1999	No Rate	Board Approved	
	2000	23%	Board Approved	Alt. Diversion Rate-40%
	2001	41%	Board Approved	3/1 - 12/31/03
	2002	27%	Board Approved	
	2003	72%		
Sanger	1995	38%	Board Approved	
	1996	36%	Board Approved	
	1997	48%	Board Approved	
	1998	49%	Board Approved	
	1999	48%	Board Approved	
	2000	51%	Board Approved	
	2001	58%	Board Approved	
	2002	53%	Board Approved	
	2003	36%		Biennial Review Not Complete
Selma	1995	12%	Board Approved	
	1996	23%	Board Approved	
	1997	16%	Board Approved	
	1998	18%	Board Approved	
	1999	21%	Board Approved	
	2000	27%	Board Approved	Alt. Diversion Rate-40%
	2001	31%	Board Approved	10/1/02-12/31/03
	2002	23%	Board Approved	
	2003	12%		

****Source: CIWMB's Countywide, Region wide, and Statewide Jurisdiction Diversion Progress Report

The above tables show a decrease in waste disposed in five of the 16 jurisdictions. Given the increases in population and taxable sales, it is not surprising that disposal increases in

some communities have not been fully offset by increases in diversion. Many of the diversion programs, including the County's curbside collection efforts, have not yet been fully implemented. It is anticipated that full implementation and possible modification of existing programs will bring more jurisdictions into compliance in the near future. At this time, given the fact that many jurisdictions are just now nearing full implementation of planned programs, these changes in quantities of waste, as they relate to meeting and maintaining the mandated diversion goals, do not warrant a revision to any of the countywide planning documents.

Section 5.3 Changes in Disposal Capacity

The County of Fresno has adequate disposal capacity. It is estimated that, together, the two sites operated by the County have no less than 35 years of capacity remaining. This is considerably in excess of the 15 years of capacity required by the Board.

As of June, 2005 (2005 data was used to reflect improved data collection information), the total amount of waste landfilled at the two County-operated landfills is 7,242,836 tons. The remaining refuse capacity for the two sites is approximately 50.5 million cubic yards. The remaining site life projection assumes that:

- There is a limited use of Alternative Daily Cover (ADC).
- The American Avenue Disposal site has a maximum site elevation of 288 feet above sea level, a refuse-to-soil ratio of four to one and an estimated in-place refuse density of 1,200 pounds per cubic yard.
- The Coalinga Disposal site has a maximum site elevation of 920 feet above sea level, a refuse-to-soil ratio of three to one and an estimated in-place refuse density of 600 pounds per cubic yard.

The County has almost completed implementation of a wide range of innovative improvements to landfill facilities and operations. This includes acquisition and installation of state-of-the-art equipment for compacting and leveling refuse and using the latest in laser and video technology to calculate slopes and density.

Section 5.4 Changes in Administrative Responsibilities and Changes in Funding Sources for Administration of the Countywide Siting Element and Integration Summary Plan

According to the Fresno County ISP,

Fresno County has three entities responsible for solid waste management planning: the Fresno-Clovis Metropolitan Solid Waste Commission, the Southeast Regional Solid Waste Commission and the West County Solid Waste Planning Committee. The County administers the three regional entities as well as the [LTF]...Administration of the [CIWMP] is a shared responsibility between the Resources Division of the [County of Fresno Department of Public Works and Planning] and the designated Local Enforcement Agency [LEA], the Environmental Health System of the Fresno County Health Services Agency. The Resources Division is responsible for administration, implementation, budgeting, and public information, and the [LEA] is responsible for enforcement...The ISP provides an estimate of costs for the countywide

programs and facilities scheduled for implementation and use. The primary programs to be implemented on a countywide basis are the source reduction, public education and HHW programs. . . For programs or facilities that will require countywide participation, the County will assume the role of the lead agency.

The County and the Cities entered into a Memorandum of Understanding (MOU) in 1990 and again in 1993, to jointly prepare the required CIWMP documents and to define and facilitate the implementation of the regional programs identified in the SRRE's. Regional activities/services include:

- HHW collection and recycling programming, including administration of Used Oil Grant funds for all of the Cities, except the City of Fresno
- Public education, including presentations, community events, print, media and electronic advertising and publications promoting recycling and waste reduction
- School and educational programs
- Coordination of region-wide programs with other agencies and organizations
- Tracking and reporting of disposal data for the jurisdictions and for the landfills
- Operation of landfill disposal facilities and landfill gas recovery
- Operation of a transfer station in the Shaver Lake area

Although the County conducts programs on behalf of the Cities, individual jurisdictions continue to be the responsible agencies for AB 939 compliance and the implementation of local solid waste management programs, including solid waste and recycling collections services. The design, implementation and reporting of these local programs to comply with AB 939 mandated diversion requirements were, and continue to be, the responsibility of the individual jurisdictions.

The primary funding source for these regional programs are surcharges collected through tipping fees for the disposal of solid waste in County-operated landfills. No taxes are used to fund regional operations and programs. Some educational, recycling and hazardous waste programs are funded through grants from the CIWMB and the Department of Conservation. The Cities have and continue to rely on service fees to fund local collection, recycling and outreach programs.

There have been no significant changes in administrative responsibilities or in funding source administration of the CSE and ISP. Therefore, no revisions to any of the countywide planning documents are warranted at this time.

Section 5.5 Programs that Were Scheduled to Be Implemented

The Annual Reports submitted by each of the jurisdictions have and continue to provide updated information concerning program implementation. The existing and selected programs for each component of the SRRE and the HHWE were reviewed. Nearly all the programs selected have been implemented and are ongoing or are in the process of being implemented. Program deletions and/or substitutions are indicated in the Annual Reports as well. According to the information provided by the CIWMB, the Annual Reports and the PARIS for each jurisdiction in Fresno County are up to date. Although there have been some changes in program implementation, schedules, costs and results, these changes are not

considered to be significant. The majority of the programs are meeting their goals. Equally effective outcomes are anticipated for those programs which have not yet been fully implemented (such as the County's exclusive service area program) or are currently undergoing adjustment. Until then, changes in program implementation are not considered to be significant enough to warrant revision of one or more planning documents.

All program implementation information has been updated in the CIWMB's PARIS, including the reason for not implementing programs, if applicable. In particular, the PARIS notes provide detail on the status of program progress for each jurisdiction. An electronic copy of the PARIS representing the reporting period of 1997-2003 is provided as Exhibit B included in this report.

Based upon the current documents, the County has no changes to report in the use of nondisposal facilities, the information provided in the CSE and the information provided in the current ISP. By way of review, the County is providing the following list of the most noteworthy changes in the NFDE which have occurred and been reported to the Board over the last five years:

- Amendment to the City of Fresno's NDFE on 6/25/02, approving the permitting of the Cedar Avenue Recycling and Transfer Station.
- Amendment to the City of Fresno's NDFE on 10/1/02, identifying Sunset Waste as the City of Fresno's "existing facility;" namely, the City's materials recovery facility/ transfer station.

Section 5.6 Changes in Available Markets

Markets continue to exist for most recyclable commodities. A significant amount of material continues to be diverted through private recycling operations such as construction and demolition debris (C&D) processors, metals recyclers and cull feeders. Please see Exhibit C ("Turning It Around: A Directory of Recyclers in Fresno County) for listings of County businesses that participate in diversion activities. Private haulers market recyclable material collected in curbside programs throughout the County. Since 1994, 13,504 pounds of HHW has been collected at County-sponsored HHW collection events. Most of this material has been recycled by the County's contractor, including significant quantities of used oil and latex paint. Materials that are currently diverted and marketed include tires from the American Avenue and Coalinga Disposal Sites, and triple-rinsed pesticide containers from the American Avenue Disposal Site.

The County's RMDZ program has helped a local C&D recycler buy equipment needed to expand its operation, increasing the quantity and marketability of its products. A textile processor has upgraded its equipment so that pre-consumer scrap from its basic recycling program can now be recycled as feedstock instead of being land filled. A local producer of agricultural drip lines has begun a program to recycle this material into its current product line. The County has participated in several projects designed to increase the amount of recycled asphalt, concrete and rubberized asphalt utilized in local road repair and expansion programs.

Overall, there have been no significant, large-scale changes in available markets. Therefore,

no revisions to existing planning documents are required at this time.

Section 5.7 Changes in Implementation Schedule

The Annual Reports submitted by each of the jurisdictions have and continue to provide updated information concerning program implementation. The existing and selected programs for each component of the SRRE and the HHWE were reviewed. Nearly all the programs selected have been implemented and are ongoing or are in the process of being implemented. Program deletions and/or substitutions are indicated in the Annual Reports as well. According to the information provided by the CIWMB, the Annual Reports and the PARIS for each jurisdiction in Fresno County are up-to-date. Although there have been some changes in program implementation schedules, these changes have not affected the adequacy of the CIWMP such that a revision to one or more of the planning documents is necessary.

Section 6.0 Other Issues

The County has not identified any other significant issues/changes that affect the adequacy of the CIWMP such that a revision to one or more of the planning documents is needed.

Section 7.0 Annual Report Review

The Annual Report for each jurisdiction have been reviewed, specifically those sections that address the adequacy of the CIWMP. No jurisdictions reported the need to revise one or more of these planning documents.

Section 8.0 Comments Received from Jurisdictions in Fresno County

In August 2005, the County distributed a letter requesting that the 15 jurisdictions in Fresno County complete a "CIWMP Five-Year Report Review Planning Document Verification and Request Form" (see Exhibit D). The Cities of Clovis, Coalinga, Firebaugh, Fresno, Reedley and Sanger returned the form (see Exhibit E). Only the Cities of Clovis and Fresno provided comments.

The City of Clovis indicated that some of the data in the documents were outdated. In addition, since adoption of the CSE, this jurisdiction noted that it now provides services to City of Clovis solid waste-hauling trucks only.

The City of Fresno also stated that some of the data in the planning documents were outdated. Specific items noted in the ISP included quantitative objectives, programs and measures, implementation schedules, and the role and efficacy of the Southeast Regional Solid Waste Commission. In the CSE, specific comments related to numbers describing remaining permitted disposal capacity and the role and membership of the Integrated Waste Management Plan Local Task Force.

As a result of follow-up discussions with the Cities of Clovis and Fresno, it was agreed that their data-related concerns were addressed through each jurisdiction's annual reporting process. It was also determined that the CSE data are regularly updated through the NDFE amendment process.

The City of Fresno was provided additional information regarding the status of the Fresno/Clovis Metropolitan Solid Waste Commission. The activities of the Commission, which has not convened since 1994, have been assumed by other advisory bodies, such as the MOU Committee and the LTF. In response to its request for additional information about the responsibilities and membership of the LTF, the City was referred to Sections 2.0 and 2.4 of this report.

Section 9.0 Summary Statement

The overall framework of the CIWMP is still applicable, and the following information supports this position:

- The goals, objective, policies, waste management infrastructure, funding sources and responsible administrative organization units noted throughout the CIWMP still are accurately described.
- All of the feasible selected and contingent programs have been and are continuing to be implemented, with the exception of those programs which have been replaced or dropped.
- Although a few programs have been revised, dropped or replaced, overall program implementation has been discussed in the annual reports, the PARIS has been updated and the applicability of the CIWMP has not been affected. The County and the Cities will continue to monitor evolving compliance issues and make additional minor program adjustments as required.

Consequently, the County and the Cities believe that the most effective allocation of available resources is to continue utilizing the existing CIWMP as a planning tool augmented by Annual Reports. For this reason, the County and the Cities conclude that revision of its CIWMP is not necessary at this time.

Section 10.0 Revision of Schedule

As no revision of the planning documents is proposed, no revision schedule is required.

*The County of Fresno wishes to acknowledge and thank the County of Monterey for format/language elements modeled directly from its Five-Year CIWMP Review Report (June 2003) for use in this report.

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-27

Consideration Of The Five-Year Review Report Of The Countywide Integrated Waste Management Plan For The County Of Fresno

WHEREAS, Public Resources Code (PRC) Sections 41770 and 41822 require the California Integrated Waste Management Board (Board) to review and approve or disapprove each Countywide or Regional Agency Integrated Waste Management Plan Five-Year Review Report; and

WHEREAS, the County of Fresno (County) has submitted a Five-Year Review Report of its Countywide Integrated Waste Management Plan (CIWMP) that concludes no revisions to the County's planning documents are necessary at this time; and

WHEREAS, based on review of the County's Five-Year Review Report, Board staff found that the foregoing requirements have been satisfied and agrees with the County that a revision of its CIWMP is not necessary at this time; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the County of Fresno's Five-Year CIWMP Review Report.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 15

ITEM

Consideration Of The Recycling Market Development Revolving Loan Program Application For eCullet, Inc. (Recycling Market Development Account FY 2005/06)

I. ISSUE/PROBLEM STATEMENT

This agenda item presents for consideration the eCullet, Inc. application to the Recycling Market Development Revolving Loan Program (RMDZ Loan). eCullet, Inc. is requesting a \$2,000,000 loan to finance the purchase of machinery and equipment and provide working capital for a glass recycling facility. The proposed RMDZ loan is projected to assist in increasing the diversion of post-consumer waste glass from the landfill by 90,000 tons per year and create 15 additional jobs. The project is located in Oakland, California within the Oakland/Berkeley Recycling Market Development Zone.

II. ITEM HISTORY

None

III. OPTIONS FOR THE BOARD

1. Approve the RMDZ Loan application for eCullet, Inc.
2. Approve with revisions the RMDZ Loan application for eCullet, Inc.
3. Take no action and provide staff with further direction.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option No. 1 and adopt Resolution Number 2006-49 to approve a RMDZ Loan to eCullet, Inc. in the amount of \$2,000,000.

V. ANALYSIS

A. Key Issues and Findings

Board Action Plans

The proposed loan supports the Board's Action Plans:

- The Market Assessment Action Plan is achieved by financing secondary processors that is helping to establish a market for formerly highly contaminated material and conversion of targeted materials into value added commodities to increase flow of recycled products.

Company Background

- eCullet, Inc. was incorporated as a California corporation on October 5, 1999.
- Farook Afsari, President and 80% stockowner, is an electrical engineer with eighteen years prior employment experience with FMC Corporation <http://www.fmc.com>, a diversified company involved in agriculture, industrial and consumer markets.

- Mr. Afsari purchased the patent for glass sorting technology that was developed by FMC Corporation.
- eCullet has developed and filed for three more patents in the U.S. covering over 100 claims relating to process and method of producing furnace ready recycled glass cullet.
- eCullet is recipient of two grants from the Department of Conservation, State of California <http://www.conservation.ca.gov/dor/grants/index.htm> under the State's Recycling Market Development and Expansion Grant Program (2003-04) and Beverage Container Recycling Market Development and Expansion Program (2004-05) in the amount of \$640,000 and \$815,000, respectively. The first grant was to develop a large scale, commercially viable recycled glass processing system capable of economically removing contaminants and optically sorting clear, amber and green fractions from heavily mixed-color and broken glass material. The second grant was awarded to establish a plant in California with an annual capacity of 90,000 tons to process post-consumer waste glass and produce furnace ready glass cullet. The proposed loan funds from the Board will complement the DOC grant funds in establishing a mixed glass recycling plant in California.
- The Container Recycling Institute in discussing the recovery rate for glass containers in its web site <http://www.container-recycling.org> states that "...fewer tons of color-sorted glass was available to make new glass bottles and jars. This is due in part to the trend towards commingled curbside collection of recyclables. When materials are collected 'commingled' (not separated) they become contaminated, thus lowering the value of the materials." eCullet has developed the technology to recover furnace ready glass cullet from post-consumer mixed glass contaminated material.
- According to California Department of Conservation, the beverage glass container recycling rate for the period January through June 2005 is 62 percent. This was based on glass container sales of 1,570,063,245 (approximately 392,515 tons) and recycled glass containers of 980,870,171 (approximately 245,217 tons) during the period.

Board Approved Project Eligibility

- The company qualifies as a recycling project. eCullet will take post-consumer mixed waste glass from material recovery facilities (MRFs) and waste haulers, pre-process, crush if needed, remove non-glass material and color sort to produce clear, amber and green furnace ready feedstock for glass container manufacturers. Staff has reviewed the borrower's application and operations and found that it is consistent with the Board's criteria for project eligibility.

Feedstock Sources

- Material Recycling Facilities.
- Waste Haulers.

Value-Added Product

- The primary product will be clean, color sorted, furnace ready glass cullet for sale as feedstock to glass manufacturers who manufacture new glass containers.

End Users

- Large glass container manufacturers.
- Consumer product manufacturers who produce glass containers for their own use.

Diversion & Jobs:

Diversion	Current	Projected Increase	Total
Tons Per Year	0	90,000	90,000
Jobs	9	15	24

Proposed RMDZ Loan Request

- eCullet, Inc. is requesting a loan of \$2,000,000 to purchase machinery and equipment and to finance working capital for operating needs that will allow eCullet to recycle post-consumer mixed waste glass and glass containers. The machinery and equipment will pre-process, crush if needed, remove non-glass material and color sort to produce furnace ready feedstock for glass container manufacturers.

Interdivisional Reviews

- Permitting and Enforcement Division (P&E) has reviewed the applicant's permit requirements and has determined that a solid waste permit is not necessary for eCullet, Inc.
- Diversion, Planning, and Local Assistance Division (DPLA) staff has reviewed the project and has determined that the materials to be processed by eCullet, Inc. are normally disposed of in a landfill.
- eCullet has certified that the project complies with all local, state and federal laws, regulations, requirements and rules, including CEQA.

Loan Committee

- Loan Committee will meet on March 2, 2006 to consider staff's analysis of eCullet's loan application, and their ability to repay and collateralize the loan.

B. Environmental Issues

- The project is sited at 9957 Medford Avenue, Building 6, Unit B, Oakland, California 94603 within the County of Alameda.
- Staff is not aware of any cross-media issues directly related to this project.

C. Program/Long Term Impacts

- Based on information in the jurisdiction's Source Reduction and Recycling Element (SRRE), the glass waste that will be used as feedstock for this project is normally disposed of in landfills.
- This project will make a significant impact on diversion of post-consumer glass waste from the waste stream thereby assisting a local jurisdiction's compliance with AB 939.

D. Stakeholder Impacts

- The local economic development agency, recycling coordinator, zone administrator, local jurisdiction and the California Department of Conservation are the key stakeholders for this project.

E. Fiscal Impacts

- Public Resources Code, Section 42023.1, provides the authority that funds this item.
- This item is funded by the Recycling Market Development Loan Program Sub-account.

- The impact of this loan is shown below in Section VI Funding Information.

F. Legal Issues

- Based on information available, staff is not aware of any significant legal issues related to this project.

G. Environmental Justice

The U.S. Census Bureau 2000 depicts for Census Tract 4093, Alameda County, California the following:

- Demographics

3.2%	White
48.8%	Hispanic or Latino
44.3%	Black or African American
1.4%	American Indian & Alaska Native
3.4%	Asian
1.3%	Native Hawaiian and Other Pacific Islander
5.8%	Two or more races
1.3%	Other

- Economic Profile

\$34,500	Median household income
\$10,733	Per capita income
26.7%	Persons living below poverty

Project Site Information

- Site location is 9957 Medford Avenue, County of Alameda, Oakland, California 94603.
- The facility, comprising of a 10,000 square foot (SF) warehouse and a 732 SF office trailer is within a 23,924 SF metal building situated in the Medford Business Park.
- The business park is zoned “M-30” for “manufacturing”.
- The real property is leased from the current property owner, Randy Saso, on a three-year lease commencing February 1, 2006 with an option to renew for another seven years with a final expiry date of January 31, 2016.

H. 2001 Strategic Plan

N/A

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
RMDZ Loan Sub Account	\$21,465,150	\$2,000,000	\$19,465,150	Direct Loan

VII. ATTACHMENTS

1. Resolution Number 2006-49

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

- | | |
|---|------------------------------|
| A. Program Staff: Govindan Viswanathan | Phone: (916) 341-6541 |
| B. Legal Staff: Michael Bledsoe | Phone: (916) 341-6058 |
| C. Administration Staff: Cecilia Frederick | Phone: (916) 341-6095 |

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

The Zone Administrator for the Oakland/Berkeley Recycling Market Development Zone has provided input and support for this project.

B. Opposition

Staff has not received any written opposition at the time this item was submitted for publication.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-49

Consideration Of The Recycling Market Development Revolving Loan Program Application For eCullet, Inc. (Recycling Market Development Account FY 2005/06)

WHEREAS, the California Integrated Waste Management Board (Board) is authorized to make loans to recycling businesses located in designated Recycling Market Development Zones that use post consumer or secondary waste materials from its Recycling Market Development Revolving Loan Account; and

WHEREAS, Board staff has received a complete loan application which is ready for consideration; and

WHEREAS, Board staff has determined that the application is eligible for consideration of loan funding and has recommended to the Loan Committee the approval and authorization of the loan to the eligible applicant; and

WHEREAS, the Loan Committee has considered the credit-worthiness of the eligible applicant and has recommended to the Board the approval and authorization of the loan to the eligible applicant; and

WHEREAS, the Board staff and Loan Committee have considered the extent to which the eligible applicant meets the goals of the Recycling Market Development Revolving Loan Program and have recommended to the Board the approval and authorization of the loan to the eligible applicant; and

WHEREAS, Section 17935.6 of Title 14 of the California Code of Regulations allows the extension of a loan commitment beyond 180 days if agreed to by both the Board and the Applicant.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the recommendations of the Board staff and the Loan Committee, the Board hereby approves the funding of the following loan in the following original principal amount as set forth next to the Borrower's name, subject to all terms and conditions contained in the loan agreement to be prepared by Board staff for this loan in accordance with applicable regulations, and on such other terms and conditions as the Board or its duly authorized staff representative in its or their sole discretion deems necessary or advisable:

(over)

BORROWER**AMOUNT**

eCullet, Inc.

\$2,000,000

RESOLVED FURTHER, that the Board, the Executive Director, or their authorized representative(s), be and each hereby is, authorized to do and perform any and all such acts, including, but not limited to, execution of the loan agreement, to be prepared by Board staff, and all other documents or certificates as the Board, the Executive Director, or their authorized representative(s), in its or their sole discretion, deem necessary or advisable to carry out the purposes of this Resolution.

RESOLVED FURTHER, that any actions of the Board, the Executive Director, or their authorized representative(s), taken prior to the date of the adoption of this Resolution, which are within the scope of authority conferred by this Resolution, are hereby ratified, confirmed and approved as the acts and deeds of the Board.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 16

ITEM

Consideration Of Application To Redesignate The Northeastern California Recycling Market Development Zone

I. ISSUE/PROBLEM STATEMENT

The Recycling Market Development Zone (RMDZ) program advances the development of local markets for recovered materials. Created by SB1322, the program is designed to assist with developing local and regional markets for recyclable materials that are being diverted from California landfills as a result of AB939. It is a waste diversion and economic development partnership between the California Integrated Waste Management Board (Board) and local governments. Local governments provide staff resources and a variety of business incentives. The Board provides a plethora of technical business services, including a loan program, to support local recycling-based manufacturers.

As outlined in Public Resources Code Section 42011, RMDZs are designated by the Board for a term of 10 years. Pursuant to Title 14, Section 17914 of the California Code of Regulations (CCR), the Zone Administrator (ZA) or other delegated persons may reapply to the Board for another 10-year designation term at least 60 days prior to the end of this 10 year period. The Northeastern California ZA has submitted an application to the Board to redesignate it as an RMDZ in order for it and its associated businesses to continue receiving Board RMDZ services.

This agenda item includes a brief profile of the Northeastern California RMDZ and a discussion of how the redesignation will continue to sustain economic and waste diversion opportunities in this rural region of the State.

II. ITEM HISTORY

In January 1996, the Board approved the original 10-year designation for the Northeastern California RMDZ.

III. OPTIONS FOR THE BOARD

Option 1: Approve the request to redesignate the Northeastern California RMDZ for another 10-year term.

Option 2: Deny the request to redesignate the Northeastern California RMDZ for another 10-year term.

Option 3: Grant a conditional redesignation to the zone, with conditions of approval as specified by the Board.

IV. STAFF RECOMMENDATION

Staff recommends that the Board approve Option 1 and adopt Resolution Number 2006-50. The decision to redesignate the Northeastern California RMDZ for another 10-year term will allow recycled content product (RCP) manufacturers and other qualified businesses to continue receiving the technical business support and financial services provided by the Board's RMDZ program.

V. ANALYSIS

A. Key Issues and Findings

- The zone redesignation directly supports the implementation of these Board Action Plans:
 - Market Development Action Plan: Redesignation of this RMDZ implements the Board's 2005 Market Assessment Action Plan by providing opportunities for the creation and expansion of businesses that use recycled material. It increases the market opportunities for the Zone's priority materials: plastic, paper, yard and wood waste, and ash, thereby increasing local diversion and helping to develop a sustainable domestic market for these materials.
 - Green Procurement Action Plan: Redesignation of this RMDZ implements the Board's 2005 Green Procurement Action Plan by expanding the local demand for priority materials, thereby increasing diversion and the availability of environmentally preferable products to the public and private sectors.
- The Northeastern California RMDZ Administrator has submitted a redesignation application and a letter requesting that the Board consider and approve renewal of the zone.
- Board staff has fully reviewed the redesignation application submitted by the Northeastern California RMDZ and found the application package to be complete pursuant to 14 CCR Section 17914. Board staff also conducted a Technical Review of the application package and evaluated Northeastern California RMDZ's Market Development Plan for its technical adequacy and ability to succeed pursuant to 14 CCR Section 17914.5. The Technical Review found that the application and Market Development Plan were complete and adequate.
- The Northeastern California RMDZ encompasses the entire northeastern corner of California and is largely a rural area. There is a great deal of synergy and cooperation among the regional jurisdictions, which include: the County of Lassen, City of Susanville, County of Modoc, City of Alturas, County of Plumas, and the City of Portola.
- The RMDZ is administered by the Lassen County Chief of Economic Development, working within the county's Community Development Division.
- As lead agency, Lassen County has an Economic Development Team consisting of the County Administrative Officer, the Director of Community Development, the Assistant Director of Community Development, the Chief of Economic Development Manager, two Development Specialists, as well as the support of all Lassen County department heads. The members of the Board of Supervisors individually take an active interest in the activities of the Economic Development Team. Additional support is provided by staff liaisons at Modoc County, Plumas County, the Plumas Corporation and the three incorporated cities within the zone.
- To date, the RMDZ has not been successful in generating an RMDZ loan for their businesses. Both Board staff and the ZA worked many months with two

businesses located in Susanville and Plumas County to secure loan financing; but for a variety of reasons, the projects did not result in an RMDZ loan.

- However, the zone team continues to work with potential loan applicants. Board staff and the zone team have been working with three small businesses located in the zone. Two are composting businesses and the other works with post consumer plastic. The team also works closely with Susanville Prison, a source of recyclable materials that can be reprocessed into new products by local businesses.
- The diversion rate for the three counties averages about 20%, based on 2002 Board diversion survey information. There are significant economic and manufacturing challenges this rural region faces. Acknowledging this situation, the Board has granted Rural Reductions (Reduced Diversion Requirement) for Modoc and Plumas Counties. However, this has not deterred the zone from proactively promoting the benefits of a local RMDZ program to increase diversion activities in the region. Renewal of the zone should assist the regional effort to reach their goal of increasing this diversion rate.
- Lassen, Plumas and Modoc Counties are committed to developing additional programs to help existing businesses expand and attract new entrepreneurs to the area. Individually, the three counties carry out business recruitment and attraction efforts with the assistance of Upstate California EDC, a regional business recruitment organization. Each County also has an aggressive business retention program which provides existing businesses with market development, business planning, loans and other financial and technical assistance.

B. Environmental Issues

Zone redesignations require evidence of compliance with the California Environmental Quality Act (CEQA). For the zone redesignation application, Lassen County Community Development staff interviewed each of the participating jurisdictions about any environmental changes that have occurred since the original designation in 1996. Based on the interviews, the Lassen County Environmental Review Officer has determined that no changes have occurred within the zone that would result in environmental impacts not already considered in the original Negative Declaration. Therefore, for the zone redesignation, Lassen County has resubmitted the original Negative Declaration and Notice of Determination prepared for the initial Northeastern California RMDZ application.

C. Program/Long Term Impacts

The Board's RMDZ staff is often the first point of contact for RMDZ manufacturers and is in a good position to educate them about how their efforts complement and achieve the Board's overall waste diversion goals. Additionally, RMDZ businesses and Zone Administrators are kept informed about accessing other Board programs and grant opportunities.

The Northeastern California RMDZ Market Development Plan identified the following goals for the next 10 years:

- Secure an RMDZ loan for at least one zone business;

- Continue to be proactive in the zone communities and promote demand for recycled raw material from the existing waste stream. This includes promoting and expanding recycling collection programs, matching feedstock supplies with local RCP-based manufacturers and processors, and develop more effective product marketing for the zone's green businesses;
- Be more proactive in promoting the use of new recycling technology and greener processing to other businesses in the region;
- Attract and grow small to medium-sized recycling industries to the region, targeting those firms that can transform post-consumer waste materials into marketable products, without enticing an existing business away from an existing RMDZ in another area; and
- Encourage creation of recycling related employments opportunities by working with recycling firms to identify new jobs and matching job opportunities with existing employment and training resources at Lassen College and the Alliance for Workforce Development (AWD).

D. Stakeholder Impacts

Key stakeholders at the local level are the recycling-based manufacturers and regional governmental agencies. Renewing the Northeastern California RMDZ designation will assist existing businesses to expand and/or become more sustainable. A more sustainable recycling-based business community has the potential to create additional diversion within the three-county region.

E. Fiscal Impacts

Board approval of the Northeastern California RMDZ redesignation application will not significantly impact the Integrated Waste Management Account and only presents the potential for increasing demand on the Recycling Market Development Revolving Loan Subaccount. However, based on past demand, Board staff does not expect that this increased demand will present a significant impact.

F. Legal Issues

Based on available information, Board staff is not aware of any legal issues related to this agenda item.

G. Environmental Justice

An RMDZ redesignation application requires resolutions from each participating jurisdiction. Jurisdictions in the Northeastern California RMDZ addressed their commitment to ensuring environmental justice in their resolutions by indicating that they would administer the RMDZ program "in a manner that seeks to ensure the fair treatment of people of all races, cultures and incomes, including but not limited to soliciting public participation in all communities within the RMDZ."

Board staff is unaware of any environmental justice issues specific to the proposed zone redesignation. There may be subsequent impacts from specific projects assisted by the RMDZ, which would undergo their own separate environmental review process.

H. 2001 Strategic Plan

Refer to Page 2 (Board Action Plans)

VI. FUNDING INFORMATION

This item does not require any Board fiscal action.

VII. ATTACHMENTS

1. Letter from the Northeastern California Zone Administrator requesting RMDZ redesignation.
2. Resolution Number 2006-50

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Steve Boyd

Phone: (916) 341-6523

B. Legal Staff: Harllee Branch

Phone: (916) 341-6056

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff has not received any letters of support at the time this item was submitted for publication.

B. Opposition

Staff has not received any written opposition at the time this item was submitted for publication.

DEPARTMENT OF COMMUNITY DEVELOPMENT

County of Lassen



● PLANNING ● BUILDING INSPECTION ● ECONOMIC DEVELOPMENT ● HOUSING AUTHORITY ● CODE ENFORCEMENT ● MINING

ROBERT K. SORVAAG, Director

JOSEPH J. BERTOTTI, Assistant Director

STEVE FULLER, Building Official

707 Nevada Street, Suite 5
Susanville, CA 96130-3912

January 31, 2006

California Integrated Waste Management Board
Recycling Business Assistance Branch, MS-11
P.O. Box 4025
Sacramento, CA 95812

☎ (530) 251-8269
Fax: (530) 251-8373

**Zoning & Building
Inspection Requests**
☎ (530) 257-LAND

Dear Board:

This letter is to serve as a request that the Board consider and approve the zone renewal application (See Attached) for the Northeastern California Zone. Being a rural area our population has been a little slower catching on to the benefits and needs for recycling, but it has definitely become a priority. Over the last decade we have had some successes with our Recycling Market Development Zone (RMDZ) program and expect more as consumers are becoming more and more dedicated to the use of products produced from recycled materials.

Over the past several years we have created, printed and circulated brochures to educate the businesses within our zone of the benefits of using secondary materials during production. We have served as the liaison between businesses and the California Integrated Waste Management Board (CIWMB) on numerous occasions in an effort to assist local businesses. We also held a very successful inventors workshop. The workshop had a good turnout and many entrepreneurial individuals received the knowledge they needed to become part of the secondary materials market.

We look forward to providing future support to companies within our zone using secondary materials in the production of their products. If you should have any further questions please feel free to contact me at 530-251-8429.

Sincerely,

A handwritten signature in dark ink, appearing to read "Monica Cochran", written over a horizontal line.

Monica Cochran
Chief of Economic Development

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-50

Consideration Of Application To Redesignate The Northeastern California Recycling Market Development Zone

WHEREAS, California Public Resources Code Section 42010 establishes a Recycling Market Development Zone (RMDZ) Program to provide incentives to stimulate the development of markets for post-consumer and secondary materials; and

WHEREAS, an RMDZ is designated by the Board for a term of 10 years; and

WHEREAS, at the end of a 10-year term, an RMDZ Zone Administrator may apply to the Board for redesignation of the RMDZ for another 10-year term; and

WHEREAS, the Northeastern California RMDZ was designated by the Board in January of 1996 and a RMDZ redesignation application was submitted by the Zone Administrator; and

WHEREAS, the Board finds after a Technical Review of the Northeastern California RMDZ redesignation application, Market Development Plan, and associated materials that the application package is adequate and complete pursuant to 14 CCR Section 17914 and 17914.5; and

WHEREAS, the Counties of Lassen, Modoc, and Plumas along with the Cities of Susanville, Alturas, and Portola still desire to participate in the RMDZ program for their recycling-based businesses and waste management programs; and

WHEREAS, the Northeastern California RMDZ made a finding that its current and proposed waste management practices and conditions are favorable to the development of markets for post-consumer and secondary waste materials; and

WHEREAS, Lassen County, as Lead Agency under the California Environmental Quality Act (CEQA), issued a Negative Declaration finding that the RMDZ redesignation will not have a significant impact on the environment; and

WHEREAS, the Board finds that renewal of the Northeastern California RMDZ will contribute to the creation of a more sustainable regional economy by stimulating additional markets for recyclables, increasing diversion of post-consumer and secondary waste materials, and increasing jobs and revenues in local communities.

(over)

NOW, THEREFORE, BE IT RESOLVED that the Board hereby redesignates the Northeastern California RMDZ for a term of 10 years commencing March 14, 2006 as authorized by California Code of Regulations, Title 14, Section 17914.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

California Integrated Waste Management Board

Board Meeting

March 14, 2006

AGENDA ITEM 17

ITEM

Consideration Of Whether To Initiate A Recycling Market Development Zone Designation Cycle For 2006

I. ISSUE/PROBLEM STATEMENT

This item requests that the Board consider initiating a new Recycling Market Development Zone (RMDZ or zone) Designation Cycle for 2006 to return the total number of zones up to 40. The Board in this item is also considering statewide objectives for this designation cycle.

Presently, there are vacant zone slots as a result of the Board's first zone redesignation (renewal) process. As of 2005, six zones decided not to continue participating in the program and two existing zones were merged. As of the date this agenda item was prepared, the total number of vacant zone slots are undetermined, as two zone redesignation (renewal) requests are still pending Board consideration. Several jurisdictions have expressed interest in becoming an RMDZ to attract or expand recycled-content product manufacturing in their communities. The Board has a great opportunity to partner with additional local government entities to help them increase their diversion rates.

II. ITEM HISTORY

- From 1992-1995, the Board designated 40 Zones during four designation cycles:
 - In 1992 (Cycle I), the Board approved designations for 12 Zones;
 - In 1993 (Cycle II), the Board approved designations for five Zones;
 - In 1994 (Cycle III), the Board approved designations for 12 Zones; and
 - In 1995 (Cycle IV), the Board approved designations for 11 Zones.
- In 1995, the Board decided to cap the number of zones at 40; and continued to allow Zones to expand their boundaries so additional recycling manufacturers could receive program services.
- From 2003 to present, all existing RMDZs have had the opportunity to renew their zone designation for another 10-year period. To date, 31 zones have opted to continue in the program, resulting in seven vacant RMDZ slots. Two zones are still involved in the approval process and have yet to receive formal Board approval.
- In February 2006, an informational item was presented on the RMDZ program history and possible options for growth. Staff recommended to the Sustainability and Markets Committee a Smart Growth Strategy, with a goal to fill existing zone vacancies by initiating another zone designation Cycle in 2006. The Committee concurred with this strategy. Additionally, the Board directed staff to bring forth an agenda item in March 2006 that would provide more details about initiating a new designation cycle to fill the vacant zone slots and return the total number of RMDZs back to 40.

III. OPTIONS FOR THE BOARD

- 1) Do not initiate a zone designation cycle in 2006 to fill vacant RMDZ slots. Maintain the current number of RMDZs.
- 2) Initiate a new zone designation cycle in 2006 to fill the vacant RMDZ slots, bringing the total number of designated zones back to 40; and approve statewide objectives for this zone designation cycle.
- 3) Provide other direction to staff.

IV. STAFF RECOMMENDATION

Staff recommends Option 2: Initiate a new zone designation cycle in 2006 to fill the vacant RMDZ slots, bringing the total number of designated zones back to 40; and approve statewide objectives for this zone designation cycle.

V. ANALYSIS

A. Key Issues and Findings

RMDZ Program Overview: The Integrated Waste Management Act (AB 939) provided clear roles for local governments and the State related to recycling. Local governments were given the responsibility of implementing diversion programs to achieve disposal reduction mandates; and the State had the leadership role to expand markets for recycling. Thus, as part of the Integrated Waste Management Act of 1989, Senate Bill 1322 (Bergeson) was enacted that same year establishing the Recycling Market Development Zone program. The primary purpose of the RMDZ Program was to assist in the establishment of new local and regional markets for the added materials that local jurisdictions were now mandated to collect to meet their disposal reduction mandates. This legislation became effective January 1, 1990.

The program is a state and local partnership that offers a wide variety of local and state resources, as well as business incentives to recycling manufacturers in order to facilitate the establishment of new and expanding markets for recyclables. A significant state incentive offered is a direct loan program with a below-market interest rate to spur recycling manufacturers. The Board approves the establishment of RMDZs through a competitive application process.

Benefits: The RMDZ program offers clear benefits to successful local government applicants that include: a viable market development tool to increase use of locally collected recyclables, decreased dependence on landfills, added jobs and increased local revenues.

State/Local Government Partnership: Local staffing resources (a designated Zone Administrator) and the Board staff work together to provide a variety of technical business services and incentives (including a Board loan program and local financing programs) to sustain a recycling-based manufacturing business community. It is crucial that each partner be committed to provide these services and resources in each zone to ensure a successful implementation.

More detailed information about Board staff duties can be found on page 7.

Accomplishments: Since 1994, much has been accomplished in building the local market that now consumes annually over 10 million tons of recyclable materials and employs over 1200 people. In addition, the loan program has funded 184 businesses for over \$80 million. Environmental benefits include a two million ton reduction in green house gases, one million ton reduction in air pollutants, and an annual energy savings to power 185,000 homes.

Recap of Designation Cycle Options Considered [refer to Agenda Item 17, February 14, 2006, for a more detailed description of options under consideration]

(a.) Do not conduct a zone designation cycle in 2006 to fill vacant RMDZ slots. Maintain the current number of RMDZs.

This option will maintain the status of quo of 33 zones. Program services will continue at the same level and there is no need for additional staff or fund transfers from IWMA for the loan program.

By adopting this option, the Board would be restricting other interested jurisdictions from participating in the program and the potential to increase local and statewide diversion rates as well as limit economic growth.

Board staff does not recommend this option due to its limiting factor for increased diversion. This option would also limit the Board and the RMDZ program specifically, to partner with local jurisdictions to further their diversion efforts.

(b) Conduct a new zone designation cycle in 2006 to fill the vacant RMDZ slots, bringing the total number of designated zones back to 40.

In the past five years, several jurisdictions have inquired about participating in the RMDZ program so they can attract or expand recycled-content product manufacturing into their communities. Board staff strongly believes that the Board has a great opportunity to expand the program to additional areas of the State and work more closely with new local governments to help them increase their diversion efforts. Board staff proposes a “Smart Growth Strategy” to implement this option (described more fully on the following page).

By adopting this option, the Board will be inviting those and potentially other jurisdictions that have shown an interest and need over the last few years to apply to become an RMDZ. This option will also allow for additional recycling-based manufacturing businesses to access the Board’s RMDZ program services (technical and financial), as well as other services their respective jurisdictions may provide as a result of being designated an RMDZ.

As mentioned previously, zone vacancies currently exist as a result of a merger of two zones and a decision made by other jurisdictions to discontinue active participation in the RMDZ program. A Board policy to limit the number of zones to 40 is still in effect. Although Board staffing levels have essentially remained unchanged, program services have significantly been enhanced. Considering this

situation, Board program staff advocates that the Board adopt this option. This option serves as the foundation of a Smart Growth Strategy proposed by program staff.

The Smart Growth Strategy: The Smart Growth Strategy provides program growth on a gradual basis rather than a rapid growth that cannot be managed adequately. This strategy allows for maintaining the current high level of services provided to the RMDZs by not overextending staff resources where the delivery of services becomes compromised.

Implementing the Strategy: Starting in June 2006, a massive outreach to interested parties will be conducted via informational workshops held around the State. Board staff plans to target jurisdictions that are still below mandated diversion levels and those who have already expressed interest in becoming an RMDZ. Staff will work with a variety of stakeholders on workshop content, meeting logistics, and determine the demand of jurisdictions. A major goal is to fill all zone vacancies up to the limit of 40 RMDZs. Upon completion of the 2006 cycle, Board staff will have a better sense about other jurisdictions that are interested in becoming a zone. At that time, staff could bring another agenda item to the Board with a recommendation regarding the merits of initiating another zone designation cycle, other options, and request for appropriate resources if needed, etc.

Benefits of the Smart Growth Strategy includes the following:

- ☐ Based on the number of interested jurisdictions at this time, there is a potential to add approximately 35 new areas of the State (includes five counties and their cities);
- ☐ Provides an opportunity for jurisdictions below the 50% diversion mandate to utilize RMDZ program services as one means to increase their diversion rate;
- ☐ Provides a viable tool for potential new zones to develop markets for their recyclable materials. This will increase diversion on the local, regional and statewide levels, as well as provide economic growth to local and regional businesses;
- ☐ Allows staff to work directly with local partners (city and county officials, local governments' solid waste and economic development staff and staff of regional agencies) throughout the State to gauge and better determine which jurisdictions would benefit the most by becoming a successful RMDZ; and
- ☐ A more gradual growth of the program allows Board staff to continue providing a high level of program services to existing RMDZs while recruiting for new ones.

Proposed Statewide Objectives for 2006 Designation Cycle:

If the Board directs program staff to initiate a Zone Designation Cycle in 2006, the Board must also determine specific statewide market development objectives for the cycle. California Code of Regulations (CCR) section 17909 establishes the following statewide objectives for each designation cycle:

- (a) Expanding landfill capacity in the applicant's jurisdiction and region.
- (b) Encouraging use of emerging technologies to address priority waste stream materials.

- (c) Distributing zones throughout the State to encourage more regional recycling.
- (d) Stimulating new regional markets for recycled materials.

The Board also has the discretion to develop additional objectives based on existing Board priorities and anticipated future trends in certain material markets. Building on CCR 17909 and acknowledging the Board's Action Plans, program staff proposes the following statewide objectives for a 2006 Zone Designation Cycle:

Objective 1: Designate zones that target programs to divert the Board's priority materials: construction and demolition (C&D) materials, organics, paper, and plastics;

Objective 2: Designate zones that have yet to attain mandated diversion rates and have developed a viable strategy to increase local diversion efforts to address their target waste stream materials;

Objective 3: Designate zones that commit business incentives and local resources to proactively conduct an active business outreach effort;

Objective 4: Designate zones that utilize value-added processes to manufacture and produce finished products and/or support the use of innovative recycling technologies to manufacture finished products;

Objective 5: Designate zones that will potentially have the greatest regional effect on the existing RMDZ program to stimulate statewide market development; and

Objective 6: Designate zones that demonstrate support for the integrated waste management hierarchy of source reduction, recycling, composting, and transformation.

Board staff believes that these objectives will result in partnerships with local governments that will have the best potential to achieve the Board's Action Plans, increasing the State's overall diversion rate, and develop additional markets for recyclable materials generated in California.

The Designation Cycle Process

The Integrated Waste Management Act, Public Resources Code (PRC) §40000 et. seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and state waste processing and disposal. PRC §42010-42023 provide further RMDZ program implementation direction.

Pursuant to Title 14, Division 7, Chapter 4, Article 1, CCR section 17902 (a), by March 31 of each year, the Board if it deems necessary, determines if a new cycle of designation is needed and the number of RMDZs to be added.

Proposed Timeline for 2006 Zone Designation Cycle – If the Board directs staff to initiate a Zone Designation Cycle in 2006, program staff proposes the following timeline:

ACTIVITY	TIMEFRAME
1. Board directs staff to initiate Designation Cycle V	March 14, 2006
2. Program staff issues a <i>Notice of Commencement</i> to all jurisdictions (not in an RMDZ) in the State	By April 1, 2006
3. Applicants submit a <i>Notice of Intent to Apply</i>	By May 31, 2006
4. Program staff conduct informational workshops around the State	June- August, 2006
5. Designation Cycle V officially begins	August 1, 2006
6. Board staff provide guidance on process and other designation issues to applicants	July 2006 – early 2007
7. Applications due to Board	By December 1, 2006
8. Application review period	December 2006 – February 2007
9. Board considers designation requests (via agenda items) from applicants <i>Note: Board items may be brought before the Board in different month and largely depends on when Board staff completes their review and evaluation of each application.</i>	February - June 2007

Informational Training Workshops: Board staff strongly recommends that workshops be conducted around the State for interested jurisdictions. Board RMDZ program staff will coordinate and develop these workshops, along with a representative from the California Association of Recycling Market Development Zones.

A major goal of these workshops is for interested parties to make an informed decision about participating in the Recycling Market Development Zone program. Potential zones must clearly understand that they have to commit local resources and business incentives to successfully implement a locally-based RMDZ program. During these workshops, potential applicants will be asked to complete and submit an *Intent To Apply* so Board staff can provide individualized assistance to them throughout the entire application process.

Other information that will be shared at these workshops include: (1) the benefits to their business community by participating in the program; and (2) tips on building an RMDZ team and developing a realistic market development plan for the zone. Workshop presenters will also include a Zone Administrator to address local resource issues and the value of implementing a locally-based program to address diversion and economic development issues; and a zone business to address the potential benefits to the business community.

Where will workshops be held? It is anticipated that there will be at least one meeting each in Southern California, Central Valley and Bay Area/Northern California. To determine potential locations, program staff can begin with those jurisdictions who have already expressed interest in becoming a zone. Staff can also

use Board diversion survey results to target jurisdictions that are still below the mandated diversion rate and provide special outreach to these local governments.

It is hoped that after these workshops are conducted, Board program staff will have a better gauge of how many areas of the State are truly interested in becoming an RMDZ and if all of them can be accommodated in the 2006 designation cycle. Board staff can address the Board at a future date regarding this situation and viable options that can be considered to handle a heavier demand for joining the RMDZ program.

Board Program Staffing Resources: Program staff implementing the State's RMDZ services are divided into two Sections which are described below. Current staffing levels could provide core, essential program services for a 40-zone RMDZ program.

Business Development Section - Five full-time staff (one position is currently vacant), two part-time staff, and one Supervisor are allocated to this Section. Each full-time staff is responsible for six to eight RMDZs; while each part-time staff is responsible for three RMDZs. Each of these positions also works on special projects that provide other customized technical business services directly to zone businesses and ZAs.

Primary Duties: Program staff in this Section provides a multitude of services to a Zone Administrator to facilitate a successful locally-based RMDZ program. Services include but are not limited to:

- Providing cross-training to ZAs in solid waste and economic development issues, trends and methodologies that will help them implement their local RMDZ program;
- Working closely with ZAs to expand existing businesses; and to recruit and site new businesses in the zone. This activity usually involves working with other Board programs such as the Office of Local Assistance, and Permits and Enforcement (to ensure appropriate permit information are shared with a business); and
- Conducting regional meetings with ZAs to discuss local, regional and statewide issues that may impact their respective program services.

This staff also expends a considerable amount of time working with zone businesses to address siting and feedstock material problems; and if desired by the business, to locate applicable financing alternatives, such as an RMDZ loan. Typical examples include:

- Helping businesses to locate additional feedstock to use in their manufacturing process. This often results in linking a business with other local or regional businesses that are generating the desired recyclable material;
- Providing customized customer/new market information to businesses via the in-house Economic Gardening business software programs;
- Working closely with the business owner to develop a viable project, with a realistic marketing plan, which will enable the business owner/partners to successfully obtain an RMDZ loan; and

- Helping a start-up business develop a market development plan or referring an existing business to an outside resource like the Small Business Development Center, to revise a current product marketing plan.

Loan Staff Section - Three full time loan officers, one half-time loan officer, (one half-time position is currently vacant) and one Supervisor are currently allocated in this Section. On the average, each full-time loan officer handles 10 RMDZs. One full-time position is dedicated to processing in-house loan servicing duties that were previously outsourced to an outside contractor.

Primary Duties – This Section reviews and processes loan applications from zone businesses. Staff works directly with each applicant to guide them through the process to ensure a complete loan application, with all required documentation, is submitted. Often, the staff must consult with other Board programs to ensure all applicable permits have been obtained prior to the loan request being considered for approval by the Board. This process may also require working with the ZA and/or other State financial entities to provide gap financing for the business.

Implementation of Board Action Plans

This agenda item directly implements the following Board Action Plans:

- (a) Market Development Action Plan: A new designation cycle further assists in the implementation of the Board's 2005 Market Assessment Action Plan by allowing access to additional areas of the state and to its stakeholders which in turn can facilitate the identification of and flow of priority materials from generation point to end use and help establish new or expanded markets for priority materials.
- (b) Green Procurement Action Plan: The new designation cycle implements the Board's 2005 Green Procurement Action Plan by expanding the local demand for priority materials, thereby increasing diversion and the availability of environmentally preferable products to the public and private sectors.

B. Environmental Issues

No environmental issues, such as California Environmental Quality Act compliance, are anticipated until the Board actually considers the designation of particular zones. Nevertheless, once particular designations are considered, no negative impacts are anticipated. On the contrary, new designations are expected to allow for successful loan applicants and other RMDZ businesses to expand local markets and thereby increase diversion of recyclables, add local jobs, and reduce the environmental impacts of manufacturing by using secondary materials. This has the potential to: (1) reduce greenhouse gas emissions; (2) increase energy savings; and (3) reduce air and water pollution.

C. Program/Long Term Impacts

A successful RMDZ Program can increase the demand for recyclable materials. This saves landfill space and generates twice the economic impact of disposal, while saving energy, reducing greenhouse gases, air pollution, and conserving resources and increasing statewide diversion.

D. Stakeholder Impacts

A new designation cycle will allow more jurisdictions to receive financial incentives and business assistance. For local jurisdictions, this will increase diversion, create jobs, increase their tax base, grow their economies and reduce their burden on the landfills.

E. Fiscal Impacts

No new fiscal impacts are anticipated for initiating this new designation cycle and will be done with existing staffing resources.

F. Legal Issues

Based on available information, staff is not aware of any legal issues directly related to this item.

G. Environmental Justice

Many zone businesses are providing jobs and local revenues to economically distressed areas of the State.

H. 2001 Strategic Plan

N/A

VI. FUNDING INFORMATION

Increasing the current number of zones to 40 will not necessitate additional IWMA fund transfers to meet loan demand. Loan staff projects that \$10 million annually will be available to fund new loans.

VII. ATTACHMENTS

Resolution 2006-51

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Corky Mau

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John Smith

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C. Administration Staff: Cecilia Frederick

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IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Based on previous discussions with Zone Administrators, many are supportive of adding new, active jurisdictions to the Recycling Market Development Zone program (up to 40 RMDZs). CARMDZ President Steve Lautze in a recent phone conversation stated that although organization supports the proposal, it wanted to be assured by the Board that there would be sufficient loan funding available for this expanded project in the event that annual funding went beyond \$10 million projected by Board staff.

B. Opposition

As of this writing, no letters of opposition have been received regarding this discussion item.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution 2006-51

Consideration Of Whether To Initiate A New Recycling Market Development Zone Designation Cycle For 2006

WHEREAS, the Legislature created the Recycling Market Development Zone (RMDZ) program (SB 1322, Bergeson) to help local jurisdictions meet the AB 939 disposal reduction mandate of 50% by 2000; and

WHEREAS, the Board conducted four designation cycles from 1992-1995 to formally approve partnerships with local governments to establish a locally-based Recycling Market Development Zone program; and

WHEREAS, the Board capped the Recycling Market Development Zone program at no more than 40 zones; and

WHEREAS, there are vacant Zone slots and new jurisdictions in the State that have expressed interest in becoming a Recycling Market Development Zone; and

WHEREAS, the Board must decide to initiate a new designation cycle and the number of Zones to be added by March 31, 2006, in accordance with Title 14, Section 17902(a) of the California Code of Regulations; and

WHEREAS, the Board must also determine statewide objectives for each Zone Designation Cycle by March 31 of each year to ensure local governments' consideration of Board priorities for targeted materials, latest recycling technologies, end-uses, a strong local commitment and regional efficiency; and

WHEREAS, the Board has an opportunity to designate new Zones that will help: (1) increase local diversion efforts and assist more jurisdiction in meeting mandated disposal reduction rate of 50% rate; (2) develop and sustain market development activities for local and regional recyclables; (3) local manufacturing businesses expand or convert to the use of recyclables in their manufacturing processes; and (4) improve local and regional economies by creating new jobs and increasing the tax revenue base.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby directs staff to conduct a new Zone Designation Cycle in 2006 to fill the vacant RMDZ slots, bringing the total number of designated zones back to 40.

BE IT FURTHER RESOLVED, that the Board approves the following additional statewide recycling market development objectives for the 2006 Zone Designation Cycle:

Objective 1: Designate zones that target programs to divert the Board's priority materials: construction and demolition (C&D) materials, organics, paper, and plastics;

Objective 2: Designate zones that have yet to attain mandated diversion rates and have developed a viable strategy to increase local diversion efforts to address their target waste stream materials;

Objective 3: Designate zones that commit business incentives and local resources to proactively conduct an active business outreach effort;

Objective 4: Designate zones that utilize value-added processes to manufacture and produce finished products and/or support the use of innovative recycling technologies to manufacture finished products;

Objective 5: Designate zones that will potentially have the greatest regional effect on the existing RMDZ program to stimulate statewide market development; and

Objective 6: Designate zones that demonstrate support for the integrated waste management hierarchy of source reduction, recycling, composting, and transformation.

CERTIFICATION

The undersigned Executive Director, or his designee, of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on March 14, 2006.

Dated:

Mark Leary
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting

March 14, 2006

AGENDA ITEM 18

Consideration Of Allocation Proposals To Be Funded From The Integrated
Waste Management Account For Fiscal Year 2005/06

Item Available Closer To Meeting